

MEETING OF THE PARLIAMENT

Thursday 5 October 2006

Session 2

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Scottish Parliament

Thursday 5 October 2006

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

Senior Citizens

The Deputy Presiding Officer (Murray Tosh):

Good morning. The first item of business is a debate on motion S2M-4901, in the name of Annabel Goldie, on Scotland's duty to its senior citizens.

09:15

Miss Annabel Goldie (West of Scotland)

(Con): The new generation of older people in Scotland is worthy of comment and recognition. My Conservative friends and I are only too familiar with the caricature of the blue-rinsed old dear pottering around the house while her elderly husband in a skip bunnet is puttering around the allotment, but that image is way off the mark. The majority of today's pensioners simply do not fit into that category.

For a start, many more people survive into their 80s and 90s. In days gone by, a typical 70-year-old might have attempted little more than a walk to the shops and a bedtime story for the grandchildren, but they now fit those pleasures in to a much busier schedule that is sprinkled with surfing the net and cruising the Mediterranean. Indeed, one of them is even standing for President of the United States, and we would not get away with telling him that he is too old to be the leader of the free world. In recent years, there has been a re-emancipation of pensioners, and all power to them.

Today, I ask whether our society does all that it can to acknowledge and reassure those men and women—the neo-pensioners—both the active ones whom I described and the ones who need more care and are not so independent. The answer is that we do not, but we should. Too often during the past nine years, our older people have been regarded as yesterday's business. They have been treated with disrespect and robbed of security and dignity by the Governments in Edinburgh and London.

However, Scotland's Governments north and south of the border do that at their peril, because it is only a matter of time before the older people of Scotland fight back at the ballot box. We saw a hint of that in 2003 with the election to the Parliament of John Swinburne. Although I seldom agree with John on political issues, I take my hat off to him and say good on him for forcing

pensioners' issues onto the national stage. He took a stand and showed courage, fortitude and good old Scottish grit and determination to get himself elected, and it is right that we pay tribute to that.

Although I wish John Swinburne the best of luck in the future, it is up to the four major parties in the Parliament to come up with serious policies to address the needs of Scotland's senior citizens. We need a new agenda for a new generation of pensioners and we need to set a new direction.

Robin Harper (Lothians) (Green): As a pensioner, I ask Annabel Goldie whether it is a duty of the Scottish Green Party to join the other parties in that endeavour.

Miss Goldie: Just as I would never have guessed that Mr Harper is a pensioner, I would never have guessed that the Green party has any substantive policies to offer on the matter, but I await declarations with interest.

We all know which issues dominate our postbags. One of them is the council tax. At the top of the pile are letters about the anxiety and insecurity that arise from the increases in pensioners' council tax. Since 1997, council tax in Scotland has risen by an astonishing 60 per cent. That might be bearable if the state pension had risen by a similar amount, but it has not. Furthermore, those with private pension provision have looked on in sheer anger as the Chancellor of the Exchequer has skimmed £5 billion per year from their funds, simultaneously destroying any incentive to save for old age.

Alex Neil (Central Scotland) (SNP): I agree with everything that Annabel Goldie said about the council tax and the state pension, but is it not the case that the state pension would be £30 per week higher if the Tories had not broken the link between the increase in pensions and the increase in wages?

Miss Goldie: Everyone would agree that when the Conservatives were in Government they supported our pensioners very effectively in a myriad other ways. Mr Neil would be better directing his concern towards the incumbent Labour Government, which has been languishing for almost 10 years, during which time the plight of our pensioners has worsened.

It is little wonder that the number of pensioner households that are spending more than 10 per cent of their income on council tax has gone up by half in the past decade. That situation is simply not sustainable, which is why earlier this week I announced that my party would be going into the next elections to this Parliament advocating an across-the-board cut of 50 per cent in council tax for over-65 pensioner households. That will be administered in addition to the 25 per cent

discount that already applies to single persons. It will result in a cut in the average band D bill of almost £450 for a single pensioner and almost £600 for a pensioner couple. I believe that that is achievable and decent, I know that it is properly costed and I hope that it is something around which the chamber can unite.

Bristow Muldoon (Livingston) (Lab): Will Miss Goldie give way?

Miss Goldie: I have been generous with interventions and I would like to make further progress, if Mr Muldoon will forgive me.

Mr John Swinney (North Tayside) (SNP): Will Miss Goldie be generous enough to take an intervention from me?

Miss Goldie: Even before the charm of Mr Swinney, my generosity has limitations.

A crucial test for this policy—and others aimed at senior citizens—is that it does not unfairly penalise any other group in order to achieve its aim. I am not a modern-day Robin Hood, which is why I have ruled out the idea of a local income tax, as proposed by others in the chamber. I do not dispute that many pensioners would benefit from such a proposal, but they would do so at the huge expense of hard-working families on relatively modest incomes, who would face an income tax increase of 4 pence or more in the pound as a result—that is not for me. If I have a choice between helping older people but punishing their sons and daughters, or helping older people without having to pickpocket the younger generation, I will take the latter any day of the week.

I know that the Executive's retort will be, "We delivered free personal care," but did it? The free personal care for the elderly policy was supported by all parties, and I am glad that my party supported it, because it was the right thing to do. Nonetheless, the concerns that we raised at the time remain valid, and in many cases have come to fruition. I make no apologies for saying that the free personal care for the elderly policy has been only partially a success.

Many people are still being denied access to services to which they are legally entitled, and as my colleague David McLetchie has revealed to our horror, many of his constituents have been paying the City of Edinburgh Council for services that they should have been getting for free. The question for the Executive is this: in how many more areas throughout Scotland is that the case? It is high time that the Executive and the Convention of Scottish Local Authorities got their heads together and gave a full refund to everyone who has been wrongly charged. Many of our older people are unable to take on local government bureaucrats to

claim back their own money—frankly, they should not have to.

The bottom line is that when the Executive proposed the free personal care policy, it should have ensured that the mechanisms were in place to see it through. Scotland's elderly people who were promised that care by their Government are not in the least bit interested in whether the councils or the Executive are to blame. They simply want access to their legal right, and that they should have.

Bristow Muldoon: I take it from Miss Goldie's contribution that she supports free personal and nursing care. Will she therefore call on her leader to sack Boris Johnson, who said last week that the Scots should not get free nursing care?

Miss Goldie: I have no responsibility for Boris Johnson and, perhaps more important, Boris Johnson has no responsibility for the affairs of a devolved Scotland, so let us proceed with matters that are relevant to this Parliament.

When it comes to caring for one of the most vulnerable groups in society, it is simply not good enough for the Executive to dream about the positive headlines that a bold, new policy generates while taking its eye off the ball in implementing it. Too often, the Executive acts with half a heart—I give it credit for at least having half a heart—and half a head, and that has to stop.

That is why I am determined to offer the pensioners of Scotland a positive new agenda. I want them to feel the optimism and hope that they deserve in their advancing years. I want them to feel like an included and valued part of our society. These people have given their all to our society for decades. They have raised families and started businesses. They have paid their taxes and made their contribution. After all that toil and effort, they deserve better than they are getting.

For that reason, far from stopping at this council tax announcement, I will soon launch an entire policy platform for Scotland's senior citizens—our grey-sky thinkers, as I like to call them—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I cannot wait.

Miss Goldie: Mr Rumbles says dismissively, "I cannot wait," yet judging by the colour of his hair he will soon join the very ranks of people whom we are discussing. His is precisely the kind of pejorative, dismissive and disdainful attitude that so irritates and angers pensioners.

Mike Rumbles rose—

Miss Goldie: The member has had his intervention, which he made from a sedentary position. He should be man enough to sit down, shut up and listen to the debate.

Mike Rumbles: Is not that being pejorative?

Miss Goldie: Not when it is to a Liberal Democrat.

The Deputy Presiding Officer: Order.

Miss Goldie: I will call on the skill, wisdom and experience of Scotland's senior citizens and reward their years of effort. I will ensure that they get a fair deal from Government and give them a new voice here at the heart of Scottish politics. Our policy platform for senior citizens will sit alongside, and not at the expense of, my party's platform for Scotland's youth—already spearheaded by a rejuvenated and rapidly expanding Conservative future organisation—and our platform of policies for Scotland's families.

We in the Conservative party are not interested in pitching ourselves at one section of society to the detriment of others. Good policies are those that work for everyone, not just sectional interests. However, I feel particularly strongly about the case for offering Scotland's senior citizens some of the respect, dignity and security that has been taken from them over the past nine years. That is why I am putting forward a new agenda—an agenda fit for the 21st century; an agenda that should unite us rather than divide us; an agenda of which I am very proud.

I move,

That the Parliament believes that our senior citizens represent a valuable and under-acknowledged repository of skill, wisdom and experience and that they should be both respected and, where the need arises, cared for by both society and government to enable them to live in dignity and security in their old age; is therefore greatly concerned that the council tax has risen by 60% since 1997, resulting in many pensioners struggling to pay their bills, and believes that the Scottish Conservatives' proposal for a 50% discount for all pensioner households would greatly alleviate the burden; is further concerned that the policy of free personal care, which was supported by all parties in the Parliament, is still not being universally or timeously implemented throughout Scotland, and therefore calls on the Scottish Executive, local authorities and all other relevant agencies to unite in securing the immediate and complete implementation of this policy in Scotland.

09:27

The Minister for Communities (Malcolm Chisholm): Since its establishment, the Executive has been strongly committed to the interests of Scotland's older people. I shall highlight some of the progress in a moment. We are also planning for the future, so I will say a little about that first.

Since the beginning of the year, we have been developing a strategy for a Scotland with an aging population. Scotland faces unprecedented demographic developments over the coming years, with a change in the balance between youth and age. In 25 years' time, for example, 26 per

cent of the population will be over 65 and 44 per cent of the population will be over 50. We see that as an opportunity, not a threat, but it will require us to change our way of thinking about age. We must challenge stereotypes and ageism wherever they are found and recognise the enormous contribution that older people make to Scottish society. That is the starting point of our strategy.

We have consulted extensively and have heard clear and powerful messages from those consultations. Those messages reinforce our determination to ensure that Scotland's older citizens are not marginalised or excluded by their age, but have full opportunities and are valued for who they are. For that reason, I was glad to welcome the new age-discrimination legislation that came into force at the weekend. It will empower many older people to make choices about their future that may not have been open to them before. I look forward to a continuing culture change, in which arbitrary age limits become a thing of the past and people's ability to do a job, or anything else for that matter, is based on their actual ability rather than on stereotyped assumptions about age.

We are currently working on the strategy and we will publish it early in the new year. In preparing it, we are taking seriously the messages that we are hearing from individuals, groups and organisations throughout Scotland about issues such as: the need for understanding and mutual respect between the generations; the need for public services that respond to the needs of people as individuals, whatever their age; straightforward and easy access to those services; the importance of housing that meets people's needs and that is linked with the right transport and amenities; and, most fundamentally, judging people by who they are rather than by their age.

I have been impressed by the enthusiasm and interest of people of all ages who have responded to the consultation. It has clearly captured people's imagination and interest. I intend to ensure that that spirit is carried forward in the strategy to help set a future direction for our approach to Scotland's aging population. A key aspect is about supporting people's health and well-being. In the responses to the consultation there was widespread understanding of the importance of keeping mentally and physically well. In that regard, a report last week from the Mental Health Foundation and Age Concern highlighted the negative effect of discrimination on the health and well-being of older people and the positive effect of participation, which reinforces two key themes of our strategy.

The direction of travel for the health service has already been set. David Kerr's report "Delivering for Health", and the Executive's response to it, set

out a new vision for delivering services based on focusing on meeting the twin challenges of an aging population and the rising incidence of long-term conditions. That marks a fundamental shift in the way that the national health service works, from being an acute hospital-driven service to one that is community based; emphasises a concentration on preventing ill health and treating people faster and closer to home; and highlights a determination to develop responses that are proactive, modern, safe and embedded in communities.

Christine Grahame (South of Scotland) (SNP): Does the minister share my concern that the closure of cottage hospitals in places such as the Borders is contrary to the Kerr report and does not allow older people to be treated in the community and provided with the level of care that they need nearer to home?

Malcolm Chisholm: Obviously, each decision must be made on a case-by-case basis. It is clearly not possible to discuss each case this morning.

Other specific pieces of work have been set in train, notably development of a rehabilitation framework and work on the management of long-term conditions, which are both particularly relevant to older people.

Another exciting new development is telecare, which enables older people to stay at home for longer with the assistance of modern technology. Some members will be familiar with the pioneering work done by West Lothian Council. I was pleased to go to West Lothian in August to announce an £8 million telecare grant scheme, which will help to roll out telecare more quickly throughout Scotland. It is an important new way of enabling people to stay in their own homes as long as they can and wish.

On the two specific issues raised in the motion, we know that there are concerns among older people and others about council tax. We have accepted the need to review the performance of the current council tax system. That is why we have set up the independent review of local government finance, to ensure that the right system is in place to provide funds that local authorities need to carry out their duties. The report of the local government finance review committee is expected by November. I cannot, of course, comment in advance of it.

Mr Swinney: Is part of the review that the Government is undertaking—aside from the work of the independent committee—an examination of the appalling level of performance of council tax benefit? More than 200,000 pensioner households in Scotland that are entitled to council tax benefit do not claim it.

Malcolm Chisholm: We are concerned about that issue and we are looking to address it in partnership with the pension service.

On the motion, I know that this week the Conservatives are very exercised by rebranding, but they must do better than this. Setting aside the issue of whether what they propose is mutualisation or privatisation—in my view it is the latter—the key point is that their proposal would allow only a one-off payment of money; it is not costed for the long term or even for the length of a four-year Parliament. Therefore, the only conclusion that we can draw is that their proposal would result in cuts in services. That is consistent with what we heard from their United Kingdom leader yesterday. We all noticed that in the speech that he delivered he omitted the part about making no cuts to the NHS that was shown on the website, so we know what to expect from the Conservatives, both at Westminster and in the Scottish Parliament.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister give way?

Malcolm Chisholm: Not at the moment.

I am glad that the Conservatives in the Scottish Parliament support free personal care, unlike—as Bristow Muldoon reminded us—one of the members of the UK Conservative shadow Cabinet, who does not even support free nursing care for Scotland. I hope that the person winding up for the Conservatives will do better than Annabel Goldie in condemning Boris Johnson and calling on David Cameron to sack him.

David McLetchie (Edinburgh Pentlands) (Con): Would the minister care to reflect on the fact that the last party in the Parliament to support the implementation of free personal care was his own party, the Labour Party, which stood against the policy for the first two years of the Parliament?

Malcolm Chisholm: I will not take any lectures on free personal care from David McLetchie. I was the person who chaired the care development group, which came up with the detailed proposals for the successful implementation of free personal care in Scotland. We promised free personal and nursing care and we have delivered that. Around 50,000 people currently benefit from free personal care.

The Health Committee care inquiry report concluded that the free personal care policy has been a success and has been widely welcomed. It confirmed our belief that the policy has provided greater security and dignity to more older people, and has provided the support that they need to enable them to live in their own homes for longer.

The report made a number of recommendations, mainly around waiting lists for services and

funding. Our aim is to evaluate the policy in the light of the inquiry and of our own research, which is due to be published early next year. Meantime, thousands of people continue to benefit from this flagship policy.

We also promised free bus travel across Scotland for everyone from the age of 60 and we have delivered that. Older people across Scotland have welcomed nationwide free bus travel enthusiastically and are benefiting from the opportunities that it provides to get out and about, see friends and family, and play their part in the community. The policy has served as an inspiration and model across the UK and elsewhere, and has contributed greatly to the quality of life of older people in Scotland.

I wanted to say something about free central heating, but I will leave that until the wind-up speech, because I must respond briefly to Annabel Goldie's astonishing comments about pensioners being robbed of security and dignity, particularly her criticism of the level of pension increases since 1997. I am astonished, because when the Tories left office the poorest pensioners had to live on £69 a week and pensioner poverty was greater than it had been for decades. However, there was an average real-terms increase in pensions of 37 per cent between 1997 and 2005, which resulted in more than 120,000 pensioners in Scotland being lifted from relative poverty, which represents a 46 per cent reduction in the number of pensioners in relative poverty. Further, more than 200,000 pensioners have been lifted from absolute poverty, reducing the percentage of pensioners in that category from 30 per cent to 6 per cent. Annabel Goldie's remarks about pensioner poverty are utterly astonishing and the main policy that she outlined is utterly incredible.

I move amendment S2M-4901.4, to leave out from first "believes" to end and insert:

"recognises the enormous contribution that our senior citizens make to Scottish society; supports action to challenge ageism, widen opportunities for older people and ensure that they are treated with dignity and respect; acknowledges the improvement to older people's quality of life through groundbreaking policies such as free personal and nursing care, free bus travel and the central heating programme, and welcomes the continuing commitment of the Scottish Executive to recognising, valuing and supporting Scotland's older people through the development of its Strategy for a Scotland with an Ageing Population."

09:37

Christine Grahame (South of Scotland) (SNP): I welcome the debate. I learn something new every day from Annabel Goldie. I have learned that I am—I think—an emancipated neo-pensioner. I ask Annabel not to judge everyone's age by the colour of their hair.

I want to give an overview of some issues concerning the older generation. I speak as a politician and as one of the voting army of one million pensioners in Scotland, who range from those who fought in the second world war, such as my nonagenarian father who surfs the internet, to those like me, an ex-mod and Beatles, Dylan and Elvis fan who once wore Mary Quant miniskirts. I do not want members to try to picture that now—ah, gone are the days.

The position is, of course, that we are assets to the country: assets when we are working—whether here or in B&Q—assets when looking after our grandchildren and assets when we are carers of our partners. Many pensioners are carers of their older partners. Colleagues will be able to deal in more detail with specific topics, but I will simply give an overview, because there is so much to deal with.

Let us start with pensioner poverty, which is a phrase that keeps recurring because one in five pensioners lives in poverty. The basic state pension is only £79.50 a week for a single person, and the so-called targeted pension credit has been a complete failure—40 per cent of pensioners who are entitled to it do not claim it. The Scottish National Party would establish a citizens wage of £106 per week for a single pensioner and £161 for a couple, which would be non-means tested. "Ah," it might be said, "you would give money to rich pensioners." No, we would not. Taxation would deal with total income levels, which is a fairer way of dealing with the matter. The crucial phrase is "non-means tested". We would deal with the wealthier pensioners.

Council tax breaks a basic rule of taxes, which is that they should be fair. Council tax is palpably unfair. I will leave John Swinney to deal in detail with that tax. However, pensioners are being penalised for having lived for many years in their own homes, which have gained in value through no efforts of their own. They do not have the income to pay the council tax bills that land on their doorsteps and they now have to make serious choices.

The next issue—which I am racing to—is fuel poverty, which is now well up the agenda for many people. In 2004-05, the number of excess winter deaths in Scotland was 2,760 and 86 per cent of those were victims over the age of 65. Those deaths were not because of the weather: the winters in Sweden and Germany are far harsher than ours, but there are far fewer deaths there, because of housing and living standards. Ten per cent of admissions to hospitals in Scotland are for cold weather-related illness. The central heating programme is supported universally by members and it is welcome, but the criteria must be extended to deal with the anathema of barring

from the scheme pensioners with older systems because they do not meet the criteria. We must also consider the fact that Scottish Gas administers the programme. I have concerns that a conflict of interest may arise. The jury is out, but Scottish Gas will be watched closely.

Given the excessive fuel price rises and the lack of a rise in the pension, the winter fuel allowance is completely scrubbed out by the excessive bills that land on mats. My bill is £30 extra a month, which is £360 extra a year—and I am not at home all day long. The pensioner who is on a fixed state pension, who may not be getting their pension credit and who is at home all day, will need to use their heating, but they will not be able to pay the bills. That is against the background of the enormous profits that the power companies make. This year, Scottish Power made a record profit of £850 million, which is up from last year's profit of £675 million.

The minister has told me in parliamentary answers that he has spoken to the power companies on various occasions. However, I do not know what they told him or how far he got in ensuring that Scotland's pensioners do not have to suffer cold conditions. Edwina Currie famously commented that people should wrap up warm and wear a winter hat when sitting in their homes. That is not a joke. Scotland's pensioners will be doing that and moving into one room to keep warm, as they did in the 1950s.

Mr McLetchie was quite right about free personal care. I was the first to propose a member's bill in the Parliament on free personal care for the elderly. The Labour Party was taken kicking and screaming to the very last vote to pass the measure. Labour cannot take credit for the policy. No one in the Parliament thought that we would have people waiting in queues to be assessed for free personal care. What I call the tattie-and-tin test is that, if people cannot open a tin or peel a tattie, they should get help with preparing food. There should be no difficulties with that.

As I do not have much time, I will simply say in passing that one in nine pensioners is reported as suffering some form of elder abuse. The Parliament would do well to examine that.

It sounds grim, but we are a feisty army of grumpy old men and women. I will finish with my favourite poem, which members have heard before:

When I am an old woman, I shall wear purple
With a red hat that doesn't go, and doesn't suit me.
And I shall spend my pension on brandy and summer
gloves
And satin sandals, and say we've no money for butter.
I shall sit down on the pavement when I am tired
And gobble up samples in shops and press alarm bells

And run my stick along the public railings
And make up for the sobriety of my youth.
I shall go out in my slippers in the rain
And pick the flowers in other people's gardens
And learn to spit.

You can wear terrible shirts and grow more fat
And eat three pounds of sausages at a go
Or only bread and pickles for a week
And hoard pens and pencils and beer nuts and things in
boxes.

When members have a chance, they should take a look at my shoes, which are not so much a fashion statement as a declaration of intent. By the way, I also have a very large red hat at home.

I move amendment S2M-4901.3, to leave out from "is therefore" to end and insert:

"expresses concern, therefore, that free personal care is not being delivered equitably, with waiting lists being operated in some regions, and believes that the Scottish Executive must take immediate action to eradicate these practices; also believes that pensioner poverty cannot be tackled without the abolition of the council tax and its substitution by the fairer system of a local income tax; is alarmed at the devastating fuel cost increases which must lead to increasing vulnerability of our older people to cold-related illnesses and early mortality, and, while welcoming legislation to end age discrimination, calls on the Executive to inquire into elder abuse."

09:44

Colin Fox (Lothians) (SSP): Self-evidently, pensioners were not born yesterday, which is why Annabel Goldie's attempt in the motion to pull the wool over their eyes will fail miserably. We are seeing classic Conservative rebranding—the Cameronisation of British politics. In a desperate rush to win back power after so many long years in Opposition, the Tories disown everything they have done, apologise for it and appeal to us to forget all their vicious attacks on working people during the 20 years in which they were in Government. Of course, people can see right through that; they understand that if the party got into power, it would represent the same interests that forced those hated policies on working people in the first place.

People will see the political opportunism of the motion for what it is. Pensioners throughout Scotland will not be taken in by Tory motions attacking pensioner poverty when the Tories did so much to create that poverty in the first place.

Before I develop that point, however, I want to give the Tories credit for one thing. The outside possibility—the spectre—of David Cameron winning the next general election south of the border has begun to electrify the political scene in Scotland. In these pre-post-Blair days, if I can put it like that, the implications of the Tories winning power south of the border, which has been off the cards for so long, while Scotland continues utterly to reject Conservatism, and the re-emergence of

the famous democratic deficit that was the catalyst for the establishment of the Parliament, will raise the issue of independence and will lead to wider discussion of the need for far greater powers for this place, an issue that will race up the political agenda.

I make no apologies for raising the matter of the state pension, which, although reserved, falls under the Parliament's consideration as far as the debate is concerned. Pensioners throughout Scotland will not fall for the trick that Annabel Goldie is attempting to play. They will not be persuaded by the Conservatives' crocodile tears or that the Conservatives give a damn about pensioners' dignity and security in retirement. It was the Conservative and Unionist Party that introduced the hated council tax and severed the link between earnings and pensions in the first place—policies that have brought pensioners to their current position.

John Scott (Ayr) (Con): I appreciate that Colin Fox is speaking from the point of view of a broken party, but he is three minutes into his speech. Rather than criticising what we are trying to do for pensioners, does he have anything constructive to say about what he might do?

Colin Fox: Pensioners throughout Scotland are looking for more than warm words and patronising remarks from parties that have done so much to bring them to their current poverty. Millions of pensioners in this country live well below the breadline, ravaged by increased inequality and a distribution of wealth that takes from the poor and gives to the rich.

The member would do well to remember some of the facts and figures in the context of the debate. A European study shows that nearly half of elderly people throughout Europe show signs of malnutrition. According to studies, in 2004 in Scotland, 2,900 people, mostly elderly, died because of the cold. According to Energy Action Scotland in a University of Strathclyde study, poverty is the main cause of premature death among the elderly in Scotland. That is the reality that we are dealing with. My amendment attempts to make it clear that anyone who is seriously interested in ensuring that our senior citizens obtain their inalienable right to dignity, security and employment must accept that the council tax puts an unfair burden on pensioners. If we are going to do anything meaningful about the circumstances in which pensioners find themselves—other than offer the warm and patronising words that they have been offered in much of the debate so far—we must restore the link between average earnings and pensions.

In introducing the council tax the Tories were responsible for introducing a system that is designed to penalise the poor the most and that

does not recognise ability to pay. The poor, the low-paid and those on fixed incomes bear the heaviest burden. According to Help the Aged and the Scottish Executive's figures, more than 110,000 pensioners in Scotland live in council tax poverty. In other words, far too large a share of their available income goes in paying that one bill.

No party in the Parliament has done more than the Scottish Socialist Party to draw attention to the circumstances that pensioners find themselves in in relation to the council tax. The SSP has done more than any other party in the Parliament to highlight the outrageous burden that pensioners have to carry in that regard. While parties such as the Labour Party and the Conservatives choose to ignore that and defend the system, the Liberal Democrats and the Scottish National Party engage in notorious double-speak, saying on the one hand that they are in favour of abolition and then voting as they did on 1 February this year—the famous February fools' day—when they said that they were opposed to the council tax and wanted to scrap it, then voted to keep it. That is the reality that pensioners recognise in the context of the debate. I will let Stewart Stevenson in to defend that very point.

Stewart Stevenson: Does the member agree that a proposal that reduces my tax—rich git that I am—by the substantial amount that the socialists would reduce it by, is not an appropriate replacement? Local income tax is.

Colin Fox: I remind the member that the central part of the SSP's proposal would mean that all people on incomes of £10,000 a year or less—which is the vast majority of senior citizens—would be exempt. Pensioners have clearly understood that message.

If there is one proposal that would do more than anything to restore dignity and long-term security in retirement to our pensioners it is the restoration of the link between average earnings and pensions. It was Mrs Thatcher who abandoned that link, leading to the brutal assault on the standards of living of pensioners that followed.

The Government's white paper, "Security in retirement", accepts the need to restore the link, but does not propose to restore it until 2012—another six years hence—and then only if it is affordable. That is a long wait for 4.5 million pensioners. In fact, it is too long, because not all those 4.5 million pensioners will live to see it. For the white paper to say that it will be done only if it is affordable hardly offers a lead-lined guarantee, given the huge debate and uncertainty over the existing provision of pensions for the baby-boom generation of the 1950s and 1960s.

The Scottish Socialist Party believes that the state pension should be set at two thirds of

average earnings. Where is the £6 billion to pay for that to come from? Let us look for a start at the £56 billion that has been allocated to pay for the second generation of Trident. Let us scrap Trident and give the money to the people who need it the most—to pensioners. Let us offer them real dignity in retirement.

I move amendment S2M-4901.2, to leave out from “and that they” to end and insert:

“believes that Scotland’s primary duty to its senior citizens is to lift them out of the poverty and deprivation that so many endure and that the effect of Conservative policies of the 1980s and 1990s, in particular the introduction of the hated council tax and the abandonment of the link between pensions increases and the increase in average earnings, has meant that their standard of living has significantly fallen; therefore calls for the abolition of the council tax, under which many pensioners pay up to 25% of their overall income on one bill, and its replacement with a system based on ability to pay, where the poor and low-paid are exempt and the tax obligation increases as income increases, and further believes that the restoration of the link between average earnings and pensions would ensure that Scotland’s senior citizens do not continue to fall behind the rest of the population and secure the right to live in dignity in retirement.”

09:52

John Swinburne (Central Scotland) (SSCUP):

I start by thanking Annabel Goldie and the Conservative and Unionist Party for allocating time this morning to debate this very important issue. I also thank Annabel for her very kind words. They will make no difference to my attitude towards her policies, but I appreciate them nonetheless.

Many senior citizens are fortunate enough to be hale and hearty; indeed, many are still working and contributing to the economic wealth of our country. Sadly, some at the other end of the spectrum are much more vulnerable. Although health is generally the main reason for that vulnerability, the main factor that dictates the quality of their life is poverty. Whether it is relative poverty, Mr Chisholm, or absolute poverty, it is poverty. It is not acceptable to my generation, sir.

Mine is a proud generation; the vast majority of people have worked long and hard all their lives only to find themselves, in their waning years, in straitened circumstances. They believed, rightly or wrongly, that because they had worked hard and paid their dues throughout their lives, they would be looked after during their retirement.

The vast majority of working people in that age group gave little cognisance to the need to take out pension policies. That is largely because their parents rarely lived beyond retiral age and so paid no attention whatsoever to pension policies. The need to augment their income from the old age pension was not a consideration for them. That is not surprising when we see that life expectancy in

the early 1930s was as low as 49 for a working man. It is therefore no surprise to me to find that, in Scotland today, a massive 21 per cent of senior citizens live in poverty. Indeed, 170,000 exist on less than £100 a week.

Okay, so pension credits were supposed to go a long way towards alleviating that position, but I urge members to listen and become more fully aware of the grim reality facing all too many senior citizens today. A pensioner couple who apply for pension credits will—after “parading their poverty”, to use the words that they would use, during the means-testing process—be granted full pension credits. Brilliant. That is £114.05 a week, which admittedly is a vast improvement on the £84.05 of the full basic pension.

Of course, that amount is not paid to the spouse. Despite the new equality legislation that was introduced four days ago, the wife receives a mere £60, which gives them a household income of £174 a week. Those who are mentally capable of dividing that by two will know that it amounts to a massive £87 a week each to live on. That is tantamount to Government-sponsored poverty.

I turn to an extremely serious issue. On 9/11 more than 2,700 people lost their lives and the world stood still. In the winter of 2004 more than 3,000 Scottish senior citizens died and hardly anybody batted an eyelid. The medical verdict was that they were winter-related deaths, to which I would add poverty as a cause. Far too many people shrugged their shoulders and simply carried on as before.

I am delighted to say that one person took those statistics on board and did something positive about them. It will shock a few people to hear that I am referring to Gordon Brown, the Chancellor of the Exchequer, who instigated an additional winter fuel payment of £200 to every senior citizen in the land. I am certain that that long-sighted social experiment—I will not call it what the media called it—will result in the first reduction in winter-related deaths among Scottish senior citizens for years.

There were more than 8,000 winter-related deaths in the three years from 2002 to 2004. Our Chancellor of the Exchequer was derided in the media for handing out a pre-election bribe. For my part, I congratulate him on that innovative social experiment. However, I must report that the experiment was not long-term and no additional £200 will be handed out this year, according to Treasury sources.

The Parliament is presented with the unique opportunity to replicate Gordon Brown’s excellent social experiment prior to the winter of 2006. All it has to do is order the 32 councils in Scotland to exempt every pensioner household from paying the water and sewerage rates element of the

current council tax. That would save every senior citizen household an average of £354 per annum, based on a band D house.

That will benefit every senior citizen household. Remember the pensioner couple who received a miserly £87 a week each after being means tested? Even a pensioner in that position is currently required to pay their water rates. They are means tested, get that minimum amount of money and then have water rates extracted from it. Let us bring an end to that unacceptable anomaly and add to the income of every senior citizen household in Scotland, especially the very poorest, by exempting them from having to pay water rates and, in so doing, implement a new Holyrood social experiment to influence a further reduction in the numbers of vulnerable elderly senior citizens who would otherwise succumb to the national disgrace that is known as winter-related death.

A few points have been raised already. There is no point recriminating and looking back and saying, "He was to blame." A senior citizen asked me who I represent. I said, "senior citizens." He said, "But don't all parties represent senior citizens?" I said, "Yes, but extremely badly." The outcome is the poor pension that they all get. I have to exempt the parties who have not been in power, such as the Scottish National Party and others. However, the Labour Party and the Conservatives, particularly those in power now, are collectively responsible for the abject pension that senior citizens receive.

Under the Turner proposals, we will have equalisation of our pensions in 2012. In the meantime, we have just to tighten our belts and get on with it.

I move amendment S2M-4901.1, to leave out from "is therefore" to end and insert:

"and that the Scottish Executive should immediately take action to increase the income of every pensioner household in Scotland in a legal manner which is entirely compliant with the provisions of the Scotland Act 1998 and thereby follow up on that excellent social experiment by the Chancellor of the Exchequer, Gordon Brown, in 2005 which should result in the first drop in winter-related deaths in Scotland in recent years."

09:59

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On behalf of the Liberal Democrats I oppose the Conservative motion, the terms of which make it obvious that the Conservatives undervalue our senior citizens. Their motion calls on the Scottish Parliament to agree that our senior citizens represent an

"under-acknowledged repository of skill".

I think that we will not do so. The Tories might

think that but we certainly do not. The Scottish Executive's amendment says that we recognise

"the enormous contribution that our senior citizens make to Scottish society".

That is a far more appropriate approach to this debate.

The crocodile tears—Colin Fox used that phrase before me and I will reinforce it by using it again—that were shed by Annabel Goldie when she was talking about pensioners earlier were clear. She highlighted the poor level of the state pension. What a nerve, given that it was the Conservatives who cut the link between pensions and earnings. I give her credit for her nerve.

Phil Gallie (South of Scotland) (Con): Will the member give way?

Mike Rumbles: I will give way to Phil Gallie in a minute.

This is a cack-handed motion if ever there was one. It seems that Annabel Goldie, conscious of the valid criticisms that have been levelled at David Cameron this week about the fact that the Conservatives have failed to come up with any policy commitments, is desperate to be seen to be doing something before next year's Scottish elections.

Even Michael Fry, who has been a Conservative candidate in several Westminster and Scottish Parliament elections, said about the Tories' contributions in this Parliament that, apart from

"a bit of ranting about law and order"

they amount to nothing and that

"The cupboard is bare".

Phil Gallie: Will the member give way?

Alex Neil: Will the member give way?

Mike Rumbles: I will give way to Alex Neil.

Alex Neil: Could the member also quote Michael Fry on his conversion to the case for independence?

Mike Rumbles: I think that Alex Neil has just done so.

So, what have the Conservatives hit on? They have decided to advocate a 50 per cent reduction in council tax payments for the over-65s. When she was interviewed on radio earlier this week, Annabel Goldie said that this policy was fully funded. When the interviewer asked her to explain exactly where the money would come from, she said simply, "Oh, it'll come from the Scottish Executive." If that is a fully funded policy, Annabel Goldie needs some lessons in basic economics.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the member give way on that point?

Mike Rumbles: In a moment.

Murdo Fraser: That is what he said to Phil Gallie.

Mike Rumbles: Well, the Conservatives would not give way to me, would they?

On the radio yesterday, I heard William Hague, the Conservatives' ex-leader, talking about Boris Johnson, the Tory front-bench spokesman who said that the elderly should not get free personal care, that Scots should not get free university education subsidised "by us in England" and, speaking about our healthy-eating initiative, that the solution to obesity is not to provide healthy stuff. I would like to ask the Conservatives how they expect anyone in Scotland to take them seriously.

During Colin Fox's speech, a Tory backbencher said, from a sedentary position, that they were offering warm words rather than Colin Fox's cold comfort. I think that that says everything that we need to know about the Conservatives' cynical approach.

Council tax was invented by the Conservatives to replace the equally flawed community charge. We have had David Cameron's apology for the fact that the Tories foisted the council tax on Scotland. Would it be too much to ask Annabel Goldie—or whoever sums up the debate—to admit that that tax was a disastrous error by the Tories in Scotland and to apologise for the damage that was caused?

As I understand it, the Conservatives still believe, as Michael Howard said at last year's election, that the council tax is the fairest form of local taxation. The Liberal Democrats could not disagree more. The fairest form of any local taxation system must relate to a person's ability to pay it. The council tax bears no relation to a person's ability to pay. It is simply based on the capital value of property. What a complete nonsense. The fairest form of local taxation must be a form of local income tax.

Bill Aitken (Glasgow) (Con): Mr Rumbles, demonstrating an over-acknowledged repository of skill, has spent around four minutes criticising the Conservatives. Does he not appreciate that 88 per cent of the money that is gathered to pay for local government services comes from income tax and general taxation, which is related to the ability to pay?

Mike Rumbles: Mr Aitken misses the point. We are talking about the council tax, which is not related to people's ability to pay.

The fairest form of local taxation is a form of local income tax, which the Scottish Liberal Democrats and others have advocated for a long time. I will give one example to illustrate our plans.

Currently, a pensioner couple who live in Edinburgh on a pension of £14,600 in a band D property—the Tories have mentioned such properties—pay a whacking £1,041 in council tax. Under the Liberal Democrats' local income tax plans, they would pay £320, which represents a saving of more than £700.

The Conservatives' motion offers very little that is relevant to Scotland. The Liberal Democrats will gladly fight next year's election on our record in coalition government. We have helped to reduce absolute poverty in Scotland by two thirds. Some 60,000 fewer pensioners are living in relative poverty. We have introduced free personal care for the elderly; indeed, the Liberal Democrats are the only party that wants free personal care for the elderly north and south of the border. The coalition has also introduced free nationwide travel for all pensioners, dramatically cut fuel poverty as a result of the central heating and warm deal schemes and enabled more of our elderly folk to live independent lives. With our colleagues in the coalition, the Scottish Liberal Democrats have a very good record of helping our senior citizens over the past few years.

David McLetchie: The member means the Liberal Democrats' present colleagues.

Mike Rumbles: Yes—our present colleagues. We certainly do not need half-baked ideas from the Conservatives that would be underfunded, as outlined in today's motion, which I urge members to reject.

The Presiding Officer (Mr George Reid): We now move to the open debate, which is oversubscribed. Therefore, I ask members to stick to six minutes for their speeches, including interventions.

10:06

David McLetchie (Edinburgh Pentlands) (Con): I want to clarify the Conservative party's position on funding our proposed permanent council tax discount for pensioners. The discount will be funded from annual savings in the Scottish Executive budget that will result from the denationalisation of Scottish Water, which is failing its customers throughout this country and performing miserably in comparison with equivalent companies south of the border. Mr Chisholm talks about such funding being one-off funding. If he is looking for a one-off gimmick, he should consider that by the Chancellor of the Exchequer, who introduced a £200 council tax supplement last year for the purposes of the election and scrapped it in this year's budget. That was a one-off gimmick relating to pensioners; we propose a permanent council tax discount.

I want to focus on free personal care and the controversy over charges for assistance with meal preparation and to describe my experience in cases that I have dealt with on behalf of constituents.

Recently, the Parliament debated the report on the Health Committee's inquiry into the implementation of free personal care. It was self-evident from that debate that members are no clearer today than they were six months ago about what assistance with meal preparation means in practice. The minister's statements and the letter that was sent to councils in May are masterpieces of obfuscation. Moreover, the practices of local authorities still vary widely on the ground. I am afraid that there is another postcode lottery when it comes to meal preparation: the place of residence determines the service that will be received. Throughout Scotland, the menu is à la carte and sometimes contains precious little, whereas we need a straightforward table-d'hôte approach.

I first raised that issue with the City of Edinburgh Council on behalf of a constituent in November last year. The case was the first of 17 cases that have been brought to my attention. A report to the council last month from its director of social care indicated that, to date, 45 requests had been received direct from clients or via members of the Scottish Parliament or councillors. In every case in which I have requested a review and the council has completed that review, the council has concluded that charges were being incorrectly levied. Those charges have now been stopped and the council has undertaken to refund charges that were wrongly made. To date, the refunds have averaged nearly £1,900 a head.

The cases that have been decided in Edinburgh are the tip of the iceberg. The council has acknowledged that 1,250 older people in the city currently contribute to the cost of domiciliary care, which includes a meals-related element that might be properly classed as falling under free personal care.

Mr Swinney: I wonder whether Mr McLetchie can advise Parliament where he believes the liability lies for retrospective food preparation charges that have been incorrectly charged. I agree with him that the Executive's guidance is woefully confusing and ridiculous. Does the Executive carry any of the responsibility for picking up the tab when councils have raised food preparation charges erroneously?

David McLetchie: In my opinion, the authors of the confusion and muddle are in Victoria Quay, and the responsibility for sorting out the mess must lie with the Executive. If there are—as I believe that there should be—refunds on a wide scale throughout Scotland, it is the responsibility of the Executive to ensure that councils are properly

funded for that. After all, we in the Parliament must demonstrate that we mean what we say. People were given a promise that has not been honoured, and many people have been wrongly charged; it is only right and proper that they should be refunded.

What we have at the moment is dither and delay from the Executive and COSLA, a long-running review being preferred to decisive action. We have reached the stage at which, last month, the City of Edinburgh Council resolved to seek a definitive legal opinion on the correct interpretation of the 2002 act. I wish the council luck, but there will be nothing definitive about a legal opinion that has been obtained on behalf of one authority. Indeed, I would go so far as to say that, if all councils in Scotland adopted that approach, we could end up with 32 opinions and 32 different answers. The only definitive legal opinion is the decision of a court; however, as far as I am aware, no test case is on the horizon. In the absence of such a judgment, the solution to the problem lies in the hands of the Executive, as I said in my response to Mr Swinney.

I have described the Edinburgh experience, but there are wide variations in practice throughout Scotland. Scottish Borders Council adopts a far more restrictive approach. Thanks to the efforts of my colleague Alex Fergusson, Dumfries and Galloway Council has resolved to levy no further charges but, regrettably, will not pay out any refunds. The council has taken one step in the right direction, but it needs to go the extra mile.

Members of all parties are proud of the policy of free personal care. It is regularly cited as one of the flagship policies of devolution; however, it is a flagship that has sprung a leak. People out there do not care for tiresome arguments between councils, COSLA and the Executive about funding, the division of responsibilities and legalistic interpretation. They expect consistent delivery throughout the country and the ability to ensure that lies fairly and squarely with the Executive. The Executive should get on and do the job now.

10:13

Pauline McNeill (Glasgow Kelvin) (Lab): Older people, pensioners, senior citizens, over-60s—there are many names, some of which are probably unmentionable, to describe the group of people whom we are discussing today. It is also fair, in this day and age, to allow people to decide for themselves whether they fit into any category. I see that Christine Grahame is wearing purple today, but I hope that she will not take to spitting. I look forward to seeing her in a red hat.

Assessing the needs of older people is what we are about. Duty and respect are words that are associated with the way in which we should treat

the older population; however, the issue for me is liberation of the older classes to live their lives as they want to. At the same time, we must ensure that their health care needs and other needs are addressed, as that is what a civilised society does.

My father, who is 75, burns CDs and DVDs and presses the labels himself. He watches "The X Factor" and "Big Brother" and he shops on QVC—I am thinking of introducing him to Margo MacDonald. Of course, I think that he is unique, but he should not be. That is one thing that I agree with Annabel Goldie about: in the 21st century, we should liberate the older classes. We should empower older people to live the kind of lives that they want to live and care for them when they need it. As the minister said, under a Labour Government we have lived up to our responsibilities and have incorporated measures to prevent age discrimination into our law. That will benefit not just young people, but older people.

We are being accused of acting with half a heart. However, we were not half-hearted when we introduced the winter fuel allowance, free television licences for the over-75s and pension credits. We are not half-hearted about pensioner poverty; we know that more needs to be done, and more will be done under a Labour Government. I take issue with the idea that, overall, older people are not benefiting from a stable economy and the investment in housing. After all, they, too, care about such matters.

Under the devolution settlement that we are managing, we have added to the record of care for older people. Indeed, those very people were instrumental in bringing about devolution.

Stewart Stevenson: Will the member give way?

Pauline McNeill: Ten seconds—and that's all you're getting.

Stewart Stevenson: I thank the member very much. Does he think that it was helpful that a Labour Chancellor of the Exchequer's first fiscal act was to take £3.87 billion out of Scottish pensioners' pension funds and, in effect, create financial disadvantage?

Pauline McNeill: We on this side of the chamber know what our responsibilities are. Independence for Scotland will simply give the country's stability a knock and not guarantee pensioners' future. This Labour Government has been serious about introducing, for example, free bus travel throughout Scotland. The Scottish Executive is committed to that measure and has funded it year on year. Moreover, the central heating programme, which is universal and not based on income, is a good policy and I urge ministers to continue its expansion.

As for free personal care, which has been discussed this morning, we must not

underestimate the challenge that it represents. It is one of our most expensive commitments; it is not easy to implement, but a serious Government has to be serious about delivery. This morning, the Opposition parties have tried to unpick the detail of a broad policy that has been extremely successful. They can pick away if they like—after all, we should seek to improve the scheme—but I tell them that it is simply not enough to have policy, policy, policy; what we need is delivery, delivery, delivery. The general public know that we are committed to free personal care. After all, figures show that the number of those in receipt of such care has increased and, as more of the population gets older, that trend will continue.

The Tories say that they are not pitching to any particular section of society. That is true; indeed, we can safely say that David Cameron is attempting to court all the sections of society—the women's vote, the green vote, the youth vote and the pensioners' vote—that the Tories have previously failed to appeal to. However, the idea that the NHS would be safe in Tory hands is an absolute misconception, and washing one's dishes in public on a webcam will not persuade people otherwise. *[Interruption.]*

The Deputy Presiding Officer (Murray Tosh): Order.

Pauline McNeill: There is certainly no talk on webcamer on about how pensioner poverty will be dealt with.

We have heard the Tories' commitment to fund a reduction in council tax, but David McLetchie is wrong to think that the people of Scotland will let Scottish Water be privatised in order to fund such a policy.

Older people clearly want more from devolution. Although investment in housing has begun fundamentally to improve the quality of life in Scotland, I want more houses that are suitable for older people. Furthermore, I have already spoken in the chamber about the need for more bus regulation, because older people bear the brunt of service withdrawal or the lack of adequate services. I hope that more will be done about that in the next parliamentary session.

As far as this matter is concerned, we should not allow ourselves to be distracted by constitutional arguments about, for example, independence. Labour will not be distracted from focusing on older people and will keep doing the same things that it has been doing over the past few years. Older people are safe in our hands, not in Tory hands.

10:19

Mr John Swinney (North Tayside) (SNP): No matter whether Gordon Brown becomes the next

Prime Minister of the United Kingdom and no matter what the historical assessment of his tenure will be, I have absolutely no doubt that he will go down in history as the chancellor who created the pensions crisis in this country. I remember his decision in the early days of the 1997 Administration to abolish tax relief on advance corporation tax. That very move is now causing problems in numerous pension funds across the country.

Labour members can scoff all they like, but, despite all the fine talk about measures to help pensioners, the basic income that many pensioners receive from their pension funds has been damaged for all time by the chancellor's systematic annual raid on those funds. That is an absolute scandal, which will come back to haunt Gordon Brown in years to come.

I welcome the debate that the Conservatives have initiated today, and there is a great deal in the Conservative motion with which I and my colleagues can agree, although there are obviously some points of disagreement, which I will come to later.

First, I would like to say some words on free personal care. Pauline McNeill said that we should not be distracted by the details of the policy, but that we should concentrate on "delivery, delivery, delivery". All that my constituents who have been charged for food preparation have received from the Government is the delivery of one bill after the delivery of another bill, after the delivery of yet another bill, and so it goes on. Local authorities are now saying that they do not think that they are entitled to charge that food preparation levy and that they will not charge it any longer.

In our debate on the Health Committee's excellent report into free personal care, I raised the issue of the quality of the advice that has been given by Scottish Executive ministers to local authorities about charges for food preparation, and I read out an example of that advice. It is utterly bewildering and beyond comprehension. Mr McLetchie is absolutely right to say that we are now about to get 32 legal opinions, which will cost the taxpayer a fortune, because the Executive will not provide the clarification that is required to clear up the issue and to settle it once and for all.

I will move on now to talk about what I really intended to talk about—the council tax part of the motion. I welcome the fact that the Conservatives have some different ideas, but those ideas are not too different from what the Conservatives talked about in the 2005 election campaign, when they proposed a council tax pensioner discount. Just a year ago, they costed that at £133 million, but the figure has now risen to £200 million, so the costings were obviously not right a year ago, which leads us to the conclusion that they are not

correct today, either. My calculation for the proposal shows that it is much more likely to cost £364 million, rather than the £200 million that the Conservatives have calculated. Mr McLetchie talked about the revenue implications of mutualising Scottish Water, but I have absolutely no idea how £200 million can be made into £364 million. It will be another of the black holes in public funding that are so regularly created by the uncostered programmes of reckless political parties.

Derek Brownlee (South of Scotland) (Con)
rose—

Mr Swinney: I can see that Mr Brownlee is about to explain how the weight of such recklessness can rest on such young and wise shoulders.

Derek Brownlee: I am rather confused by what Mr Swinney has said, as only last week we heard that the SNP proposed to fund an on-going revenue commitment out of one pot of Treasury money that would rapidly run out. Would he care to reflect on the contrast?

Mr Swinney: The point that I made to Mr Brownlee last week was that we recognise that there are short-term opportunities to fund specific programmes before a future spending review at which we will set our own priorities. The more I hear about the headroom created in the Howat review to fund public spending commitments, the more I think that there is an opportunity to make Scottish taxpayers' money go much further than the sloppy Liberal and Labour Executive has managed to make it go in the past.

My party firmly supports the concept of a local income tax that is based on ability to pay. One of the compelling reasons why I support a local income tax is that I have visited countless pensioners who are deeply concerned about the significance of the council tax as part of their on-going financial commitments. In some circumstances, individuals who may have lived for 50 years in the house where they brought up their kids, welcomed their grandchildren and had many happy times are having to sell their property and downsize because of the size of the council tax bill. We are supposed to be in this Parliament to improve people's quality of life. In a civilised society, it should not be necessary for people to have to sell their houses.

Under the SNP's proposals, 538,000 Scottish pensioners would pay no local income tax at all, which contrasts with the fact that, for many pensioners, the proportion of their income that has to be allocated to pay for council tax has increased significantly year on year since the current Executive came to power. That is a problem that Parliament has to address. I look forward to the challenges of addressing it after the May 2007

elections, when the SNP will be in a position to introduce a system of taxation that is fair, local and related to the ability to pay.

10:25

Robin Harper (Lothians) (Green): Bob Hope once quipped:

"You know when you're getting old when the candles cost more than the cake."

Speaking as one whose candle bill is racking up each year and who is now the proud holder of a bus pass—thank you, Executive—and a senior citizens rail pass, I have increasing reason to take an interest in old age and in the way in which our country treats its senior citizens. I am grateful to the Tories for bringing the issue to the chamber.

The motion speaks of the "respect" that senior citizens are due, which all too often is lacking in their lives. It is axiomatic that how we treat the elderly is how we deserve to be treated when we become elderly. We should perhaps feel a little uncomfortable about that, given the number of elderly people who live in straitened circumstances. As members have said many times in the debate, pensioners face financial hardship and have difficulty heating their homes. All too often, they live in low-quality housing, increasingly without much support from family or the state.

I agree that senior citizens

"represent a valuable and under-acknowledged repository of skill, wisdom and experience"

and recommend to the chamber the retired and senior volunteers programme that CSV established a few years back. Senior citizens can be active—we can make a contribution to society. That said, older people are worthy of far greater respect and dignity than they get even now. Saying that is easy, but addressing the problems is a great deal more challenging.

The answer to many of the issues is simple—indeed, it has been referred to many times in the debate: pensioners need more money. What the mainstream parties are doing for pensioners is far from simple. Their policies involve means testing, winter fuel allowances and the hugely complicated benefit system. As Christine Grahame said earlier, the complexity of the system means that, each year, billions of pounds of benefits go unclaimed by pensioners.

The Green party's proposal for pensioners may represent blue-sky thinking, but it is the result of considered thinking and continuous refinement. We believe that, from the cradle to the grave, everyone should be entitled to a citizens income. We propose a non-means-tested, non-taxable entitlement that would allow people to meet their

basic needs. For those who have trouble in getting their heads around the idea, the citizen's income can also be thought of as a negative income tax rate. Pensioners, as well as the disabled and those with chronic illnesses, would be eligible for a supplement to the basic income—an income that they could claim irrespective of other pensions or income.

We recognise that the Scottish Parliament is not yet in a position to introduce such a policy. In the meantime, we will continue to campaign for a decent pension: one that is uprated annually in line with the price of goods and services or with average earnings, whichever—and this is very important—is the greater. As we have heard in many contributions to the debate, successive UK Governments have overseen a steady erosion in the value of the state pension, yet all the time those Governments have protested about how much they value pensioners.

Pauline McNeill mentioned poor housing. I agree that there is a clear causal link between hard-to-heat housing and ill health. Several members have referred to the 3,000 or more winter deaths that happen in Scotland each year among the over-60s. That figure is, of course, completely unacceptable. Pauline McNeill also talked about "delivery, delivery, delivery", but that is not happening—not nearly enough money is being put into or focused on helping the elderly. For example, it is about time that we enacted legislation to compel building standards for all homes that are occupied by pensioners to be raised. We need to do that retrospectively, and it needs to apply to all such homes across the board. A level of support must be embedded into improving the heating and insulation of pensioner homes.

I am not sure whether members are aware that today is national poetry day. It was a lovely surprise when Christine Grahame read from Jenny Joseph's poem "Warning". The rest of the poem goes like this:

You can wear terrible shirts and grow more fat
And eat three pounds of sausages at a go
Or only bread and pickle for a week
And hoard pens and pencils and beermats and things in boxes.

But now we must have clothes that keep us dry
And pay our rent and not swear in the street
And set a good example for the children.
We must have friends to dinner and read the papers.

But maybe I ought to practise a little now?
So people who know me are not too shocked and surprised
When suddenly I am old and start to wear purple.

If members look at Christine's feet, they will see that she also has on a pair of purple shoes.

There is a lesson in the poem. Perhaps the

Parliament should focus more regularly on the subject of this morning's debate and give more thought to our pensioners and older people.

I finish as I started, with a quotation from the United States. Abraham Lincoln said:

"In the end, it's not the years in your life that count. It's the life in your years."

It is up to us to ensure that our senior citizens have life in their years, so let us get on with it.

10:31

Donald Gorrie (Central Scotland) (LD): I apologise to members for the fact that I will depart the scene after speaking because I have to meet an important person about the Procedures Committee debate this afternoon. I hope that all members who are present will take part in that debate because it is their chance to have their say on how things are run in the Parliament.

The debate has focused to a considerable extent on council tax and local income tax. It is well known that the Liberal Democrats in the UK and in Scotland support a local income tax. We pressed for that within the partnership. Quite a lot of Labour people are not so keen on the idea, but the matter is being seriously examined and we will continue to press for it during the election campaign and in the next session of Parliament, however Parliament is configured.

There has been a lot of discussion about free personal care and some serious criticisms of how it is being handled. I am sure that the minister will take those on board and try to clarify the rules as soon as possible. The policy of free personal care explores new territory. Sometimes, the civil service is not very good at exploring new territory, and it takes a while to clarify what people think. However, I always worry about the use of the phrase "postcode lottery" in politics. If we have local democracy, local councils will do things in different ways and we will not get uniformity. There should be a basic level of support and there should not be wildly different interpretations, but we have to accept that local democracy is about local decisions. We hope that, under the new voting system that we are going to have, there will be better local decisions.

As the minister said, the Executive has achieved a lot for older people—free travel and central heating, and improvements to personal services—but there are a lot of things that we could do much better. We should consider supporting older people so that they can make the contribution that they are capable of making. If we get an old person who is lonely involved in a voluntary organisation, we will remove their loneliness and they will make a positive contribution to the organisation. That will help them and it will help the local community.

We can do things better. For example, there is a tendency for meals-on-wheels to be provided by commercial organisations that use frozen food, instead of the Women's Royal Voluntary Service visiting people and having a chat every day. That is bad. The council might save some money, but that approach ruins older people's health and their lifestyles. In such cases, we could have more civilised policies that take account of the non-financial aspects.

We need to work out a system whereby older people have an opportunity to use their talents, whether through voluntary organisations or through working. The concept used to be that people worked until they were 65 or whatever and that they did not work for money after that, but that concept is wrong. People can ease off from working. An older person can still make a considerable contribution without necessarily working a 40-hour week, or whatever it might be. We can create a set-up in which older people can really get stuck in and organise themselves, which they are well capable of doing. They can co-operate with younger people and give them the mentoring that more and more organisations now recognise is important. Older people do not have to contribute in a heavy Victorian-auntie style; they can do it sensibly by giving their life knowledge to younger people, who can help to enliven older people. There can be benefits in both directions.

There is an opportunity for us all to contribute more positively as we get older. I certainly intend to do that. My whisky bottle is half full, not half empty, or perhaps I should say that there is still a lot of petrol in my tank. When I depart from this place, I hope that I will have more time to annoy more people of importance and really pursue the causes in which I believe. Retired people can still make a real contribution by agitating for all sorts of good causes, not only to help older people but to help young people and to campaign for sensible overseas policies, for example.

Our older people are a huge resource. The Executive has made a start in harnessing that resource but I am sure that, although we can fight about local income tax, all parties can get together to create a climate in which older people have a real opportunity to contribute. Then we will make Scotland a better place.

10:36

John Scott (Ayr) (Con): Presiding Officer, it will come as no surprise to you or to the minister that I congratulate our leader Annabel Goldie on her bold initiative to cut annually council tax for pensioners by 50 per cent across Scotland. Of course, that will cost money, and my colleagues have dealt with the funding of the scheme. However, the proposal is a direct response to the

failure of Government to provide adequately for our pensioners, which, despite the promises of the Labour-Liberal coalition, it is becoming clearer by the day that they have no real intention of doing.

It therefore falls to the Conservatives to come up with real solutions to help our elderly people. Nowhere are those solutions more required than in my own area of South Ayrshire, which has a significantly greater number of older people than the national average.

With larger-than-average numbers of elderly people in our local population, the fact that pension funds are unable to reclaim tax on dividends—costing those funds £5 billion annually since Gordon Brown introduced the measure—hits harder in South Ayrshire than elsewhere in Scotland. The fact that council tax benefits are so difficult to claim, with low uptake among the elderly—to which John Swinney, I think, referred—hits harder in South Ayrshire than elsewhere in Scotland. The fact that the number of pensioner households that spend more than 10 per cent of their gross income on council tax bills rose by 37.5 per cent between 2000 and 2005 hits harder in South Ayrshire than elsewhere in Scotland. The fact that the cost of living for pensioners is rising 50 per cent faster than the Government inflation figure hits harder in South Ayrshire.

I could go on and give further examples of how Government policy is failing our elderly people, but I would like to highlight the Executive's underfunding of free personal care in South Ayrshire. Specifically, and most quantifiably, when free personal care was introduced, the Executive provided funding for 233 people in care homes, but South Ayrshire Council had to fund 283 clients. The funding has now been increased to provide for 276 clients, which is still below what the figure was on the very day that the scheme started. However, South Ayrshire Council has this year been required to fund 358 care home places at a cost of £895,000 to the local council tax payer, who has had to fund the gap between the budget provided by the Executive and that which is needed to deliver the policy as it was intended. In addition, there is a list of 17 clients awaiting placements in care homes.

That issue has been raised with the Executive since day 1 of the scheme because of South Ayrshire's demographics, but nothing has been done. South Ayrshire Council raised the issue through COSLA, and Pat Watters has taken up the case. It is a *prima facie* case of long-term direct underfunding of the scheme that penalises not just the pensioners of South Ayrshire but local council tax payers, many of whom are elderly themselves, as I have already outlined.

Further, the number of home care hours that are provided each week has increased from 7,172

when the free personal care policy started to 12,419 at the end of 2005-06. Although we cannot quantify how much of that increase is due to the introduction of free personal care, it is clear that the increased cost of home-based care packages has been huge.

Furthermore, prior to the introduction of free personal care, the service that South Ayrshire Council provided comprised 80 per cent personal care and 20 per cent non-personal care. That is still the case but, since the introduction of free personal care, South Ayrshire Council has lost the ability to charge for the 80 per cent of care for which it would previously have charged. Because of a Scotland-wide misallocation of free personal care funding that took no account of the age profiles of the different local authority South Ayrshire Council, which was originally in the forefront of providing care for the elderly, has been penalised by the inflexibility of a scheme that assumed a much lower split of chargeable care.

The minister can see the problem but, as I am sure he is aware, the problem does not stop there. Infrastructure costs have also increased markedly, due to the need to allocate a caseworker to self-funding clients, whose needs must be regularly reviewed. Like other hard-pressed councils, South Ayrshire Council has appointed reviewing officers from outwith the free personal care allocation to allow all possible funding to be used for the provision of free personal care. Generally, ministers have claimed that free personal care is fully funded across Scotland, including in South Ayrshire—such claims have been made specifically to me whenever I have raised the matter in the Parliament—but that is far from being the case. In South Ayrshire, the underfunding of the social work budget is £2.36 million for this year alone. In large part, that is due to the inadequate funding of free personal care. For South Ayrshire Council, the cumulative cost over the past five years of providing for self-funding clients in care homes is £3.664 million over and above the grant-aided expenditure allocation. That cost has had to be funded by South Ayrshire's council tax payers.

The specifics of the situation in South Ayrshire illustrate why the Health Committee took the view that a full review of each local authority's position is required to justify either an across-the-board increase in funding or a reallocation of existing funding on a more equitable basis among local authorities. A mechanism should be developed to predict the long-term levels of financing that will be required to provide free personal care in each local authority. Such financing must, at the very least, be linked to inflation. Adequately funding free personal care would also reduce bedblocking throughout Scotland. That would be a much more humane and cost-effective way of looking after the 1,200 or so of our elderly people who are

languishing in hospital when they could and should be looked after elsewhere.

The problem has been building up over many years. It has been highlighted to the Scottish Executive on numerous occasions but, regrettably, no action has resulted. Further delays and underfunding are no longer acceptable. It is time for action to give our elderly people the standard of care to which they are entitled.

10:43

Bristow Muldoon (Livingston) (Lab): I welcome the fact that the Conservatives have chosen to use their debating time to discuss Scotland's duty to its senior citizens. I also welcome the fact that they have given a full morning to the debate, rather than following Opposition parties' usual practice of splitting their debating time so that no proper analysis can take place in the debate.

Scotland's older people deserve to be treated with dignity and respect and I am sure that all members would agree that we should aim for that. Most of us are living longer and we are enjoying healthier, longer and more active retirements than people did in the past. As Donald Gorrie pointed out, older people can continue to make a contribution both in work and in the wider community.

The issue of council tax, which is central to the Conservative motion, is important. Council tax can have a big impact on pensioners' budgets, especially if they have an income that is just above the level that would allow them to qualify for council tax benefit. I will return to that issue later in my speech.

Miss Goldie's criticisms of the implementation of free personal care would have more credibility if she had more clearly called on her leader, David Cameron, to sack Boris Johnson from his position in the shadow ministerial team after his outrageous attack on this Parliament's decision to deliver free personal and nursing care to Scotland's elderly people. Mr Johnson's continued presence in Mr Cameron's shadow ministerial team confirms that, contrary to all Mr Cameron's spin and gloss, the Tories remain at heart the anti-Scottish party.

On the record of the Tories in government, I agree with Malcolm Chisholm that aspects of Annabel Goldie's speech were astonishing. The Tory Government completely failed pensioners in the 1980s and 1990s. In 18 years, the Tories only once increased the basic state pension above the rate of inflation and on that occasion they did so only to compensate for their decision to impose VAT on fuel.

Mrs Nanette Milne (North East Scotland) (Con): How does the member react to my comment that an uncle of mine who voted Labour all his life told me shortly before he died that he had never been so well off in his entire life as he was under Maggie Thatcher?

Bristow Muldoon: I am sorry to hear of Nanette Milne's uncle's demise, but I suspect that his experience of being better off under Margaret Thatcher is unique among pensioners. The truth is that the Tories failed pensioners in Britain and in Scotland. When the Tories left office, the poorest pensioners had only £69 a week to live on and only a Labour campaign in 1995 stopped their proposals to increase VAT on fuel to 17.5 per cent. High inflation in the 1980s and 1990s eroded the incomes and savings of pensioners, and older people were among the worst affected by the Tories' neglect of public services. When the Tories left office, many older people were having to wait more than 18 months for operations.

John Scott: Will the member give way?

Bristow Muldoon: I want to make progress.

The Tories' record stands in stark contrast to the measures that Labour in government has introduced to improve the lives of older people. We have introduced measures to help the poorest pensioners—first, the minimum income guarantee and now the pension credit. We also introduced the winter fuel payment, which the Tories opposed, and we have reduced VAT on fuel.

Christine Grahame: Will the member give way?

Bristow Muldoon: I want to make progress.

Among the most important measures that the Scottish Parliament has introduced have been those aimed at improving the lives of Scotland's pensioners, such as the warm homes and free central heating initiatives, free bus travel—now delivered throughout Scotland—and free personal care.

In local government, there are examples of good practice in the way in which older people are cared for and supported. I welcome the recognition that Malcolm Chisholm gave to West Lothian Council's record of using smart technology to support older people in their homes or in residential settings.

I will now address Annabel Goldie's major policy initiative. I have acknowledged that the impact of council tax, in particular on pensioners just above the benefit level, is an issue. I also acknowledge the issue that John Swinburne raised of the impact of the water rates that people pay along with their council tax. I have raised the matter within Labour's policy-making process and I am exploring with colleagues what is the best way to tackle it in order to make council tax and water rates fairer to pensioners.

The Conservatives' proposals suffer from two problems. First, the very poorest pensioners would not benefit at all because they already receive council tax benefit. However, the far bigger flaw in the Conservatives' proposals is the fact that they are underpinned by the plans to privatise Scottish Water. The Conservatives have learned nothing from their decade in opposition. They abandoned their plans to privatise the water industry in the first place when they were in power, when they panicked at the result of the Strathclyde referendum. The people of Scotland rejected the privatisation plans then and I am sure that they would do so again today. Their proposals on privatisation are based on the false premise that private companies are inevitably more efficient.

David McLetchie: They are.

Bristow Muldoon: The Tories should reflect on the privatisation of the rail industry, which resulted in the private rail industry requiring about three times the subsidy of the nationalised rail industry, which the Tories dismantled. That has cost the taxpayer billions of pounds more per year.

Scotland's pensioners will not be fooled by the Conservatives. They know the record of the Tories in government. The Tories neglected older people and neglected the public services on which older people depend.

The Parliament has made good progress so far in addressing the needs of Scotland's older people. Of course, we need to do much more. I am sure that Scotland's older people recognise the substantial difference for the better that has been made to their quality of life by the decisions made by the Parliament and by the Labour Government at Westminster.

10:49

Brian Adam (Aberdeen North) (SNP): Bristow Muldoon rightly said that there is much more to do. I will highlight a sector in which there are significant concerns about the services that are offered to some of the more vulnerable sections of our society: sheltered and very sheltered housing. The recent introduction of charges for warden and other services is causing considerable concern. There is anecdotal evidence that those who would benefit from going into that type of accommodation are choosing not to do so because of the charges.

I certainly take the view that people who choose to rent housing, whether through councils or other public sector providers, will probably stay in such housing throughout their lifetimes. The charges that are specifically levied for services that people get directly from sheltered and very sheltered housing ought to be spread across the whole of local councils' housing revenue accounts for those

who are council tenants; the charges should not be concentrated on those who directly benefit.

In the cycle of life—at least, this is how it used to happen—people might start out living in a flat, they might get a house as the family grows and then, as life moves on, they might wish to live in amenity housing or high-amenity housing such as sheltered or very sheltered housing. The costs that are associated with the latter types of housing can quite properly be shared among all of us; costs related to specific services in sheltered and very sheltered housing should not be concentrated on those who directly benefit.

Councils are being driven not just through cost pressures but through Government policy to an extent—and in particular through the policy of Communities Scotland—to withdraw sheltered housing warden services. There has been a significant move to do that and we have seen warden services being diluted or withdrawn. Sheltered housing wardens would typically take in people's messages or accept the delivery of prescriptions and give them to tenants at an appropriate time. However, a number of warden services are being more than actively discouraged by councils or are being withdrawn by them. Therefore, as well as paying higher charges, tenants are getting poorer services.

I recall that a report that was of the type that Audit Scotland and the Accounts Commission produce said that the costs of services that were peculiar to sheltered and very sheltered housing should be borne by the tenants. However, I think that we need a policy change. If we are to be genuinely concerned about and supportive of the most vulnerable sections of our society, and if we wish to continue to see people have collective responsibility and, indeed, enjoy the benefits of shared living while still being independent, we must accept that policy issues have to be addressed. We have that responsibility and I believe that we can do that and that it would not cost us more.

Traditionally, we accepted that the total cost of delivering services should be spread across the housing revenue account on the basis that it is reasonable to assume that, in the cycle of life, those who start off in flats might well end up in very sheltered housing. The Government should seriously consider that approach as a no-cost item. I do not believe that it is right and fair that, at a time when people are vulnerable, additional charges are loaded on to them as a consequence of what I think is a flawed analysis that was given to the Government.

I would appeal to ministers to look at this situation, which is not unique to council housing. Certainly, when Aberdeen City Council considered some of its housing provision and, quite rightly,

tried to get rid of and replace the bed-sit type of accommodation, which is not adequate these days, it found itself unable to do that directly; it had to find a voluntary sector provider because Communities Scotland would not give the council the finance that would have allowed a warden-type service to be put into a replacement facility. I think that that is wrong. We should be able to deliver housing locally and councils are an appropriate vehicle for doing that. In no way do I deny that housing associations can do that, too. However, the costs that are associated with warden and other services for sheltered and very sheltered housing ought to be borne by the housing revenue accounts. I commend that idea to the minister.

10:55

Dr Elaine Murray (Dumfries) (Lab): I speak as someone who is anxious not to be retired prematurely next year, at the age of 52.

If I were to be uncharitable about the motion, I would reflect on the fact that senior citizens comprise a significant proportion of the electorate who bother to vote in elections, which may be why there is a concentration on trying to woo the votes of older people. However, I will not be totally negative about the motion. I am not averse to reform of the council tax system to provide more assistance to people, including pensioners, who are on low and fixed incomes but who do not qualify for council tax benefit and who therefore may have difficulty paying their council tax bills. However, I would not go along the road that the Tories have taken on the matter.

We should consider the effects that the Tories' proposals would have in Dumfries and Galloway. A pensioner couple who live in a band A property, which means that it was valued at less than £27,000 in 1991—I cannot imagine any property being worth less than that these days—would get a discount of £457.54. However, a pensioner couple in a band H property, which in 1991 would have been worth more than £212,000—it must have been a heck of a mansion to retail for that sort of price in Dumfries and Galloway back then—would get three times the discount, at £1,335.75. That couple would pay much the same council tax as people on a fairly modest income in a band D house would pay. Despite the reassurances that Mr Cameron offered during the Tory party conference, the proposals seem to be the same old Tory policy of cutting tax and rewarding better-off people.

There are some unanswered questions about the policy that I ask the Tories to address. First, what will happen to the 25 per cent discount for single persons who live on their own? Would that be abolished or would it be on top of the proposed new discount?

Mrs Milne: Will the member give way?

Dr Murray: No I have limited time, perhaps that issue could be addressed later.

Is the reduction of the council tax benefit revenue from the Treasury to the Executive included in the £200 million price tag? As other members have asked, how will £200 million be raised from the mutualisation of Scottish Water? I accept that the proposal is for mutualisation, not privatisation at the moment. Scottish Water's annual report for last year shows that its net borrowing was £162 million and that it raised £49 million from other capital projects, such as the disposal of assets. The rest of its revenue, which was more than £1 billion, came from charges to customers. The report shows that £142 million of outgoings went on the repayment of loans. The money was lent—not given—by the Executive. Therefore, the minister was correct to say that the Tories' proposal would be a short-term measure.

If the Tories do not believe us, I ask them to reflect on a couple of opinions on mutualisation. First, although the trade union movement is generally in favour of mutualisation and the co-operative movement, Unison—the union that represents most workers in the water industry—has noted that the water and sewerage industry is capital intensive and that Scottish Water would therefore become dependent on private financial institutions, as happened with Welsh Water, on which the Tories base much of their proposal for Scottish Water. In 2003, Unison stated:

"the so-called mutual option is in reality a token representation for customers on a board overseeing a wholly privatised Scottish Water."

Secondly, although Digby Jones is, as one might expect of someone who is ex-Confederation of British Industry, in favour of the total privatisation of Scottish Water, in June this year in response to proposals from Ian Byatt, he argued that mutualisation would not raise funds for the Executive. Bearing in mind that Scottish Water receives borrowing consent and that higher interest rates are paid to private sector funders, would not water rates rise under the Tory proposals? That would injure pensioners and small businesses, of which the Tories often like to see themselves as the champion.

The Tories say that council tax rose by more than 60 per cent in the past nine years. The figures that I have seen show that the minimum income guarantee for pensioners has risen in absolute—not real—terms by 65 per cent. I do not say that that is anything like enough to look after pensioners on lower incomes.

John Scott: Will the member give way?

Dr Murray: I am sorry—I only have a minute left.

The Tories broke the link with earnings and Labour intends to restore that link in 2012. Colin Fox said that we would do it only if we could afford it, but we would be damn stupid to do it if we could not afford it. My husband is 54 today, so in six years' time he will be eligible to receive some of the benefits of a pension. However, people such as he and I, because of the generation to which we belong, have put money aside for our pensions. We will be better off. The fact that many of us had the opportunity to invest in our futures should be factored into any calculation about the way in which we support poorer pensioners.

Christine Grahame mentioned energy bills, which have risen by more than 50 per cent in one year. The energy bill for an average household is now comparable to the council tax. That is why I consistently argue for a sensible and balanced energy policy.

I would prefer the Tories' approach to the issue to that of those who talk about local income tax. Local income tax does not reflect ability to pay for young couples who perhaps have two or three children and have mortgage repayments, credit card repayments or student loan repayments to make. It is a tax on employment and on families. I would prefer the reform of the council tax system to take account of some of the problems.

11:01

John Swinburne: At the most recent census, in 2001, there were 514,682 senior citizen households in Scotland, 220,868 of which were in rented accommodation. In the rented sector, 80 per cent were in receipt of housing benefit which, by and large, also took care of their council tax. That makes everyone feel good because we are all doing our bit for the elderly with our tax contributions.

However, as I mentioned earlier, water rates have somehow eluded the caring legislation and they affect every home owner. If someone's income is less than £100 a week, they simply cannot afford to pay hundreds of pounds per annum for water rates, and many vulnerable pensioners quickly fall into arrears. Sadly, there is no hiding place for those good people and their water rates arrears are deducted at source from their benefits. Good heavens, we do not even do that to collect the millions of pounds in unpaid fines that go uncollected each year. Please—those pensioners are good, law-abiding people. The others are those who have broken the law and been fined but choose to ignore the courts and fail to pay their fines. Surely it is high time that we collected unpaid fines at source. It is certainly long overdue for society to sort out its priorities.

No doubt the cry will go up, "Where will the

money come from to exempt senior citizens from having to pay water rates?" That is a legitimate consideration. There are many ways of saving money, but one method that would be popular with people of my generation would be as follows. Means testing is an abomination and, as I said earlier, it is insulting to require elderly people to parade their poverty to obtain a pittance from the state but, if that is deemed to be good enough for pensioners, why not apply it to criminals? That would bring about an instant saving of the reported £59 million that has been laid aside to compensate prisoners for having to go through the degrading process of slopping out. On receipt of a claim for compensation, the response should be, "Yes, you are entitled to £3,000 for having to slop out for the past year but it has cost the taxpayer £30,000 to have you incarcerated for that year. Okay, we will do a little contra and deduct your £3,000 from the £30,000 that you owe to the taxpayer. You therefore now only owe us £27,000."

There are many other ways of saving taxpayers' money. If they were adopted, the necessity to means test good elderly citizens, who have worked hard and contributed positively to society, would no longer be required.

The Scottish Senior Citizens Unity Party had the shortest manifesto of all those taking part in the Scottish elections of 2003. It was as simple as ABC: A, to abolish poverty for pensioners by paying a pension of £160 a week; B, to banish means testing; and C, to replace council tax with a fairer system of taxation. It is good that other parties are beginning to realise that the grey vote will have a huge influence on the outcome of the 2007 elections. Slowly but surely, all the parties are tentatively starting to embrace the policies of the SSCUP. I do not give a jot which party adopts our policies; the only important thing is that my generation feels the benefit.

The Deputy Presiding Officer: You have one more minute, Mr Swinburne.

John Swinburne: I like the 50 per cent reduction in council tax for pensioners that the Conservative motion proposes for 2007, but I would prefer the council tax to be replaced with a tax that is fairer for all. I also like the call for the full implementation of the free personal care policies. Malcolm Chisholm has highlighted the new modern care facilities in pensioners' homes. They are admirable and would enable many more senior citizens to remain in their own home. On that subject, I wish to see an end to a situation that affects a mere 4 per cent of pensioner households. I refer to the stubborn determination of the Executive to retain its right to steal the homes of single vulnerable pensioners who find themselves in need of residential care. Although only 4 per cent of pensioner households are

affected, the other 96 per cent of us have a constant niggling worry about the possibility of having to face that sad, sick situation ourselves. Any political party that bites the bullet and deals with that situation in its manifesto in 2007 will receive a ringing endorsement from every senior citizen home owner in Scotland. There were 293,814 of us in that category in the 2001 census and by now that number will have increased considerably.

The Deputy Presiding Officer: You should be finishing now, Mr Swinburne.

John Swinburne: As I suggested earlier, I care not which party adopts our policies. In the fullness of time, they will inevitably become accepted as the only fair way to treat our senior citizens. Until that comes to pass—

The Deputy Presiding Officer: I am sorry, Mr Swinburne, but I have to turn your microphone off. We are very short of time.

11:07

Colin Fox: The debate has certainly reminded the Conservatives how fresh in the memory is their record in government as far as pensioners were concerned. They might want to reflect on that and tell David Cameron that he has many more apologies to make before people will forget that record. However, the Conservatives are entitled to remind us that the Scottish Executive is now responsible and that there is a pressing need to improve pensioners' circumstances.

I fear that senior citizens in Scotland will welcome many of the warm words in this morning's debate but will feel in danger of being patronised. They will fear that there has been precious little recognition of the urgent need to improve radically the living conditions that all too many of them face. People want action more than words.

I welcome the breath of reality that Mr Swinburne brought to a debate that was otherwise too stale. The debate has often been academic and predictably detached. John Swinburne highlighted the need to abolish the water and sewerage charges that pensioners are burdened with. The approach of the Conservatives would be to privatise the water industry. Bristow Muldoon was right to chastise them for believing that privatisation leads to the better management of public services. His claims about the rail industry were absolutely correct, but why does Labour not support bringing the rail industry back into public ownership, where it was run much better than it has been privately?

Bristow Muldoon: Will the member take an intervention?

Colin Fox: I have to move on.

On a positive note, the Conservative motion at least accepts that there is a problem with the council tax. However—in a classic case of milking the cow and kicking over the bucket—they accept that there is a problem but fail to address it adequately. Members of all parties are well aware that the proposal to abolish the council tax has widespread support the length and breadth of the country. The Scottish people are beginning to lose patience, because they see far too little progress being made on it.

On the restoration of the link between pensions and earnings, Dr Elaine Murray took me to task for suggesting that I am in favour of something even though we cannot afford it. The point that I was making was that the Government's white paper says that it will not restore the link between pensions and earnings until 2012, which is in another six years. It clearly will not do so at all if it loses the election. Even if it wins the election, it is hardly giving a cast-iron pledge to restore the link, because it will not do so if it is not affordable—in other words, there are any number of avenues out of the commitment in the white paper that the Government might seek to take. Pensioners throughout the country will hardly feel reassured, given that something that is six years away might never happen anyway. The lack of a link between pensions and earnings is responsible for a severe deterioration in their standard of living.

Bristow Muldoon said that when the Tories were in power the pension worked out at £69 a week. The Government's white paper makes it clear that, as things stand, by 2012—if the link between pensions and earnings is not restored—the pension will be worth just £71 a week in current terms. There is hardly a great deal of improvement after 30 years when the average wage is approaching £400 a week and the pension would be £71 a week.

Pauline McNeill talked about the need to liberate the older classes. As a socialist, I do not consider older people to be a class. There are the working class and there are the rich and, given that division in society, many working-class pensioners find themselves in straitened circumstances. In her own city of Glasgow this winter, one in 36 pensioners over the age of 65 will die a winter-related death. Glasgow has the highest level of low-income pensioners in the whole of Britain. The fact that the restoration of the link between pensions and earnings will not happen for another six years—and indeed possibly never will—will probably make them colder still.

Hundreds of thousands of working-class pensioners throughout Scotland are calling out for help today. Progress has been made—it would be churlish to say otherwise—but there remains an acute problem that the Parliament has to address.

Christine Grahame: On a point of order, Presiding Officer. I seek your guidance about courtesy to members. The leader of the Conservatives, who led the debate, is not present, nor are any of the speakers from the Conservative benches. Ms Pauline McNeill, Donald Gorrie and Robin Harper are not here for any of the summing-up speeches. I seek your guidance as to whether that is discourteous to members and whether it will be taken into account when other members are excluded from debates.

The Deputy Presiding Officer: That is not a point of order, but I have taken note of it and I will deal with it later.

11:13

Mike Rumbles: On the same point, I am not surprised that Annabel Goldie has skedaddled from her own debate. She disappeared after the opening speeches and did not bother to stay and listen to the debate. This is a Conservative debate and it really is scandalous that she left. Not only is it a discourtesy to other members, the Parliament, the people of Scotland and the elderly people whom the Conservatives purport to support, it is a charade. The Conservatives seem to have warm words for our pensioners, but they offer little more than cold comfort. David McLetchie—who is not here either—let the cat out of the bag. When we asked where the money will come from when the Tories look at their council tax proposals, he said—wait for it—that it would come from efficiency savings and the mutualisation of Scottish Water.

Dave Petrie (Highlands and Islands) (Con): Will the member take an intervention?

Mike Rumbles: I would take an intervention from David McLetchie if he were here. He had the nerve to criticise others about gimmicks and yet he came to the chamber to propose a gimmick.

Pauline McNeill is not in the chamber either, but I cannot let her get away with her comments without saying that the means testing of pensioners by the UK Labour Government allows thousands of elderly folk to fall through the safety net that we all agree should be in place. That results in pensioner poverty. It is not good enough to say that we have put in place a system that should end pensioner poverty if that system does not address those people who fail to claim, for whatever reason. It is no good blaming the pensioners for failing to claim their benefits; some people simply do not claim them. The only way in which to attack the issue comprehensively is to introduce a citizens pension. The UK Labour Government does not have a good record.

I want to focus on issues that we can affect. Free personal care has been a huge success, as

has been accepted across the chamber and in a report that was produced by the Health Committee. I have heard people say that the programme is extremely costly, but, in the grand scheme of things, it is not. It is far less than 1 per cent of the Scottish Executive's budget. I wonder why the Conservatives and the Labour Party do not want free personal care south of the border. I do not believe that it can be to do with expense, given the amount of the Scottish budget that it represents. The success of the free personal care policy reminds me of the saying that success has many fathers and failure only one. Free personal care is, undoubtedly, a success.

I do not know how anyone can argue that the council tax is fair, but that is what Labour and Conservative members do quite often in this chamber. Elaine Murray—I am delighted to say that she is in the chamber—argued that just this morning. Almost everybody pays council tax out of their monthly income. What nonsense it is to say that a person's ability to pay a tax that is collected on a monthly basis should be related not to their income but to the nominal value of the house that they happen to live in. No one likes to pay tax, but the fairest tax must be related to a person's ability to pay it. A local income tax is the answer.

John Swinburne was right on one point: pensions means testing is an abomination. What we need is a citizens pension without means testing. The coalition Executive has, over the past seven and a half years, delivered change for our pensioners—free personal care, free national bus travel and the free central heating programme. I only wish that we had the power in this Parliament to affect pensions. The Liberal Democrats would deliver much better citizens pensions for our senior citizens in Scotland.

11:18

Alex Neil (Central Scotland) (SNP): I will start by doing something unusual and agreeing with Mike Rumbles on three points. First, like my colleague Christine Grahame, he was absolutely right to draw attention to the Tories who are in absentia. When it comes to election time, the Tories will be judged not by warm words but by their track record, which on pensions and pensioners is nothing short of abysmal.

Secondly, Mike Rumbles was right to point out the dubiety that exists about Labour's commitment to the policy of free personal care. Down south, despite the recommendation of the Sutherland commission, which covered the whole of the United Kingdom, Labour has refused to implement the policy. It cannot commit itself to free personal care for our elderly but, during the past three years, the Government has given what Gordon Brown described as a "blank cheque" to the illegal war in Iraq, which has cost £4.5 billion.

The third point on which I agree with Mike Rumbles relates to local income tax. Elaine Murray's comments about the unfairness of local income tax were absurd. If we applied those daft arguments to local income tax, we would also have to apply them to national income tax. Of course, income tax is one of the most progressive forms of taxation that we have.

Bristow Muldoon: Will the member give way?

Alex Neil: Since Mr Muldoon has waited behind, I will give way to him.

Bristow Muldoon: Will Alex Neil, who supports progressive taxation, publicly disagree with his leader, who has described Mike Russell's plans for a flat tax as relatively harmless?

Alex Neil: I think that Bristow Muldoon has—not for the first time—misinterpreted our leader.

Pensioner poverty is the most important issue that our pensioners currently face. According to the Scottish Executive's figures, around 19 per cent of pensioners lived in pensioner poverty in Scotland in the year in which Labour came to power. In that year, around 170,000 pensioners were officially described as living on incomes that were below 60 per cent of median Great Britain income before housing costs. However, after nine years of a so-called Labour Government, the figure is 21 per cent. More pensioners are living in poverty today than when Labour came to power. That is the Labour Party's track record on pensioner poverty. I will return to how we should tackle such poverty towards the end of my speech.

Fuel poverty, which has been grossly exacerbated by the monumental rise in energy prices, must be tackled as a priority. The Labour Government in London has frozen not only old people, but the winter fuel allowance. That allowance started at £200 and stayed at that amount, despite the fact that fuel prices have nearly doubled. A test of the Labour Government's commitment to older people and its desire to get rid of fuel poverty will be whether it increases the winter fuel allowance without waiting for next year's budget. In that context, it is amazing that the Executive has no target for reducing cold weather deaths among our pensioners.

Pensioner poverty is a crucial issue. In particular, the number of women in pensioner poverty must be considered—that issue has not yet been touched on. Fewer than 30 per cent of women receive a full basic state pension in their own right. On average, women in this country receive only 75 per cent of men's hourly earnings, only 50 per cent of men's incomes and only 33 per cent of men's pensions. When we talk about pensioner poverty, we must focus on women in particular.

We have heard from the tired old parties in London that we cannot afford to do much more than is currently being done or to move at a faster pace. In that context, I point out two things. First, the 40 per cent tax relief on private pensions costs around £21 billion a year, and the vast bulk of that money goes to very rich individuals who use the money as a tax break rather than for saving for realistic pensions. Why should they be given that 40 per cent tax break? That money should help today's pensioners. Secondly, our system of national insurance contributions is extremely regressive. A person who earns £30,000 a year pays much more proportionately in national insurance than a person who earns £100,000 a year.

There are two simple messages from the debate. First, we must deal with pensioner poverty because such poverty has increased rather than decreased in the past 10 years under Labour. Secondly, Scotland and Great Britain are rich nations and can well afford to end pensioner poverty once and for all.

11:24

Malcolm Chisholm: It has been a good debate. I particularly liked Pauline McNeill's description of what we are trying to do. She said that we are trying to liberate the older classes to live the lives that they want to live while ensuring that their health care needs and other needs are met.

Meeting need has been the main focus of the debate, but I re-emphasise the centrality of opportunity and contribution. Robin Harper referred to the programme that the Executive funds for retired and senior volunteers. We have committed £330,000 this year alone to develop and promote older volunteering. Many older people are already volunteers, and I pay tribute to the valuable role that they perform in that area as in many others.

The main subject of Christine Grahame's speech was fuel poverty. Our central heating programme is the best targeted intervention in the United Kingdom for reaching people who are in fuel poverty. Many thousands of older people throughout Scotland are benefiting from warm, comfortable homes and lower fuel bills as a result of the central heating programme. The Executive has spent more than £290 million on fuel poverty measures, providing central heating systems to more than 73,000 homes.

Margaret Mitchell (Central Scotland) (Con): Will the minister give way?

Malcolm Chisholm: In a moment. I must make some progress.

Applicants who are aged over 80 can receive

upgrades and replacements of partial or inefficient systems. Christine Grahame called for the extension of that provision. From January, everyone who is on pension credit will be entitled to that as well.

Christine Grahame expressed concern about Scottish Gas. However, I point out that, as the new managing agent, Scottish Gas represents best value for money. As a result, thousands more people will benefit from the programme. She also asked about my meeting with the fuel companies. Of course, I put pressure on the power companies to do more for the poorest customers and I call on them today to reduce their prices quickly, notwithstanding the time gap between the buying of gas and its use.

Finally, Christine Grahame highlighted elder abuse. Existing legislation on adults with incapacity and mental health offers some protection to the frail elderly, and we augment those measures with financial support for the Scottish helpline for older people and for Age Concern Scotland in order to raise awareness of the issue and to provide people with advice and assistance when they need it. We recognise, however, that we need to do more. The Adult Support and Protection (Scotland) Bill, which is presently before Parliament, will help to limit all kinds of elder abuse by offering greater support and protection. The bill provides new powers to investigate suspected abuse; to assess the person and their circumstances; to intervene to manage the risk of abuse; and, in exceptional circumstances, to remove the victim to a temporary place of safety and to exclude the perpetrator. It is important that Parliament pass that bill in due course.

Christine Grahame: Will the minister give way?

Malcolm Chisholm: I will take interventions if I have time at the end of my speech. Many points were made in the debate that I have to respond to.

Colin Fox majored on the state pension and the restoration of the link between average earnings and pensions. As Elaine Murray reminded us, there will be a higher, fairer state pension that is again linked to earnings, as announced recently by the Westminster Government. Also, we will ensure that the least well-off continue to share in the growing wealth of society by increasing the guarantee credit in line with earnings in the years ahead.

John Swinburne said that poverty was not acceptable to his generation; it is not acceptable to me, either. As Pauline McNeill put it, we are not half-hearted about pensioner poverty. Bristow Muldoon explained in detail what we are doing to address that. I will not repeat the figures that I mentioned in my opening speech, but I advise

members that £10.5 billion more will be spent on pensions in 2006-07 than would have been spent if the 1997 policies had continued. That figure is nearly £7 billion more than it would have been if we had simply restored the link with earnings in 1997.

I refute Alex Neil's assertion by repeating the figure that I gave of a reduction in relative pensioner poverty from 30 to 16 per cent since 1997. Of course, the absolute reduction is a great deal more than that.

Christine Grahame: Will the minister give way?

Malcolm Chisholm: I have only two and a half minutes left, and I have many more points to make. I will take an intervention if I have time when I have addressed all the other issues.

David McLetchie raised the issue of food preparation, which was one of the most complex areas that the care development group dealt with. A letter that was issued in May to all local authorities stated that it is up to local authorities to assess people's needs and to decide how to deliver the services that are required. The letter also stated that we expect local authorities to provide simple tasks free of charge when there is an assessed need. We would expect a local authority to consider whether it has an obligation to make any refunds to people whom it might have incorrectly charged for any service.

Mr Swinney: Will the minister give way?

Alex Fergusson (Galloway and Upper Nithsdale) (Con): Will the minister give way?

Malcolm Chisholm: I have only two minutes left and I still have many points to address. I cannot possibly deal with the points that were raised in the debate and take interventions at the same time.

John Scott asked about funding. Local authorities have been given more funds to implement the policy than have been spent. In 2006-07, £85 million has been allocated to provide services that were already free to people before the free personal care policy was introduced. People forget about such services. In addition, the funds that were provided for the policy were agreed with COSLA in the previous spending review.

John Scott raised the issue of council tax benefit. We are working with the pension service and COSLA to address that matter.

Bristow Muldoon and Elaine Murray were right to highlight problems of council tax for pensioners who do not receive council tax benefit. As they indicated, we are exploring the best way of dealing with that matter. However, we are not pursuing the local income tax line that John Swinney supports.

As Elaine Murray reminded us, such a mechanism would increase tax on hard-working families. Moreover, we would lose £300 million from cuts to benefit spending, and every pensioner in Scotland would be faced with the bureaucracy of filling out Scottish National Party local income tax return forms.

John Swinney made an interesting remark about the uncoded programmes of reckless political parties. Although he had the Conservatives in mind, he must unconsciously—or perhaps not so unconsciously—have meant the SNP as well. Of course, it is not such a problem for the Conservatives, because they would simply make cuts to take the strain. Even the master of rebranding, David Cameron, let the truth slip yesterday when he omitted the line that had been trailed in his speech about never jeopardising the NHS by cutting its funding and instead said:

“We will always support the NHS with the funding it needs”.

As Pauline McNeill said, the idea that the NHS is safe in Tory hands will never be true—and the idea that pensioners are safe in their hands will never be true either.

11:32

Mrs Nanette Milne (North East Scotland) (Con): As someone with a long-standing involvement in the NHS, I take exception to Malcolm Chisholm’s remarks about our commitment to the health service. There is no way that I would have been a member of this party if it had not always had such a commitment—indeed, it will always have it.

I note that, despite Mike Rumbles’s rantings, he was until only a few minutes ago the only Liberal Democrat member in the chamber. That has been the case the whole morning.

Mike Rumbles: But it is a Conservative debate!

Mrs Milne: All we can conclude from that is that the Liberal Democrats must be very interested in the elderly, must they not? *[Interruption.]*

The Deputy Presiding Officer: Order.

Mrs Milne: On the whole, the debate has been interesting and has highlighted a number of issues of great importance to an increasing number of people in Scotland as more and more of us live into and face the challenges of old age. I should say that, even at my age, there are challenges.

Demographic change and the outlawing of age discrimination in employment mean that more of us will work well into old age, and screening for conditions such as hypertension, bowel and breast cancer and diabetes will allow many of us to live healthily with chronic conditions that in the past

would have killed or at least enfeebled us as we approached our senior years. Although more could be done to improve older people’s health, particularly on screening for prostate cancer and early diagnosis and proper treatment of the growing number of people with osteoporosis, there is no doubt that more of us will be able to lead an active, healthy life for longer than any previous generation.

In recent years, the focus of society has been on younger people but, as the population ages, it has become clearer that the skills, wisdom and experience of our senior citizens are resources that should be respected and utilised. When older people reach the stage in life at which they need help, that help should be available to give them the dignity and security that they need and deserve.

The motion under debate highlights two of the main barriers that today’s pensioners face in that respect. A reduction in the burden of council tax and proper implementation of the Community Care and Health (Scotland) Act 2003 would make an enormous difference to the lives of many people. Our proposal to introduce a 50 per cent council tax discount for all pensioner households would lift a huge burden from people who are faced with an ever-increasing erosion of the value of their pensions, especially with many of them finding that more than 10 per cent of their gross income is going on council tax bills. The poorest people, who should be in receipt of council tax benefit, are put off by the complexity of the application forms and the take-up rates are far too low. Our proposed discount is a simple, straightforward way of relieving a financial burden that threatens the security of a large number of today’s pensioners.

I remind those in the Labour and Lib Dem parties who are critical of our proposals on the pretext that they are uncoded that, unlike the SNP, which promises utopia for all, the Conservative party has a great deal of experience in government and knows better than to issue policy proposals that have not been coded.

Mike Rumbles: Will Mrs Milne take an intervention?

Mrs Milne: I am not taking any interventions. Mr Rumbles has said enough.

Mr Swinney: Will the member take an intervention?

Mrs Milne: I have no time. Members who are trying to intervene are wasting my time.

We are confident that we can indeed bring council tax relief to all pensioner households, paid for by central Government, as David McLetchie spelled out earlier. To clarify matters for Elaine Murray, I can confirm that our discount would be

on top of the existing discount for single pensioner households.

As for the derogatory attitude of Malcolm Chisholm, Pauline McNeill, Bristow Muldoon and Elaine Murray to our proposals to mutualise Scottish Water, why do not they listen to their own Sam Galbraith, who has said that the public model is not working? Why do not they listen to Jo Armstrong, a former adviser to the First Minister, who has concluded that the current state-owned model must end and that privatisation or mutualisation is the correct way forward? Their own people are advising them to go for mutualisation or privatisation.

With regard to the Parliament's flagship policy of free personal care, we know from the Health Committee's recent care inquiry report just how patchy delivery of that policy is across the country, with three quarters of Scotland's councils failing to provide an appropriate care package based on assessed need as and when it is required by their clients. The on-going blame game between councils and the Executive is doing no good to those people who need help. There is a legal right to free personal care and the Executive must ensure provision where and when it is required. Whatever the Lib-Lab Executive says about free personal care being fully funded, we have heard from John Scott about the problems in South Ayrshire. Other councils, such as Aberdeen City Council and Aberdeenshire Council, are spending double the resource that was allocated to them for that service. The outcome of the Executive's review of the funding for free personal care cannot come too soon, because it is clear that either the funding is too little or its allocation is inequitable across councils.

It is alarming that some councils are still wrongly charging their clients for food preparation. David McLetchie highlighted that issue today, using examples from his Edinburgh Pentlands constituency; he is to be commended for the work that he has done to ensure that his constituents are refunded the charges that have been wrongly levied in the past. In the interests of fairness, charging for food preparation should cease immediately across Scotland. All cases in which charges may have been wrongly levied should be reviewed and, where appropriate, full refunds should be made, regardless of how much that would cost. It is simply not acceptable to confer a right with one hand and take it away with the other.

Christine Grahame gave a vivid description of fuel poverty among pensioners, which is a real issue. The Executive's central heating programme has much to commend it, and we support it, but it is clear from the number of complaints that have been made over the past five years that its

management has been less than perfect, and it has failed many older people. It is to be hoped that the Executive will ensure that Scottish Gas succeeds in delivering the effective service that our pensioner households deserve. Time will tell.

I have two brief things to say on the national concessionary fares scheme, but first I must declare an interest: like Robin Harper, I am the holder of a bus pass. First, many pensioners in rural areas, such as parts of rural Aberdeenshire, cannot take advantage of the scheme, because there simply is no bus service for them to use; many of them would dearly like to have that opportunity. Secondly, I trust that the Executive has taken note of Audit Scotland's comment that higher-than-expected usage of free travel may exhaust the new scheme's budget. I hope that that will not result in the same sort of problems that are besetting the free personal care policy. If the fares scheme ran into trouble, many pensioners throughout the country would be deeply disappointed.

We have had a good, wide-ranging discussion about issues that are of major concern to our elderly population, and I am happy to commend to the Parliament the motion in Annabel Goldie's name.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

The Presiding Officer (Mr George Reid): Question 1 is withdrawn through illness.

Judicial Processes

2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive how it ensures that judicial processes remain independent of government. (S2O-10772)

The Minister for Justice (Cathy Jamieson): I am firmly committed to the principle that Scotland should have a strong independent judiciary that is able to discharge its functions free from external influence. In our consultation paper, "Strengthening Judicial Independence in a Modern Scotland", which we published in February this year, we set out a range of proposals for legislation to strengthen the independence of the judiciary.

Jeremy Purvis: I assure the minister that I had no advance notice of the Lord Advocate's intended resignation. The debate on the position will be on-going over the next few weeks and months.

Will the minister reaffirm the Executive's position that any prosecutions, whether they are made in the criminal courts or through a local authority seeking an antisocial behaviour or other civil order, should remain free from Executive influence, either overt or covert? Trust in the system at community level depends fundamentally on there being no political interference in the judicial process. Will she take the opportunity of reaffirming that the Executive has no intention of changing that approach?

Cathy Jamieson: It is important that we have an independent prosecution service. With that independence comes recognition that it is not for politicians to intervene in decisions that are taken by independent prosecutors. When decisions are taken that people do not like, they can find them hard to understand, but independence is a fundamental feature of the judicial process.

Jeremy Purvis mentioned antisocial behaviour. Again, it is important that local authorities and others examine all the information that is available to them. No one should take the view that they will not use the appropriate legislation to deal with the problem of antisocial behaviour.

Mr Kenny MacAskill (Lothians) (SNP): An independent judiciary is one of the pillars of our democracy. However, does the minister agree that members of the judiciary are also public servants who are paid out of public funds and are subject to the relevant legislative processes? No one would seek to impinge on their ultimate right to determine a sentence, but surely the Scottish Parliament also has the right to expect members of the judiciary to adhere to the broad sentencing guidelines that it has laid down for particular crimes? Does the minister also agree that the general behaviour of members of the judiciary should be subject to scrutiny without recourse to the nuclear option, which is the only option that is available to us at present?

Cathy Jamieson: I am sure that Mr MacAskill will continue to make those points in responding to the proposals in our paper and engaging in the work that is to come. On sentencing, it is important to recognise that we now have the Sentencing Commission for Scotland report, which recommends the possibility of moving towards some kind of sentencing council or committee that would consider guidelines. At the end of the day, it is important to stress that there is no suggestion that anyone will interfere in the right of the judiciary, having considered all the facts that has been put before it, to decide on a sentence that is appropriate to the circumstances.

Margaret Mitchell (Central Scotland) (Con): Does the minister accept that the independence of the office of the Lord Advocate was compromised by Colin Boyd's being a member of the Cabinet, in which he shared collective Cabinet responsibility, and the head of Scotland's independent prosecution service? Does she agree that the Lord Advocate's resignation provides the ideal opportunity to end that dual role?

Cathy Jamieson: I do not accept that the Lord Advocate was unable to carry out his role as the independent head of the prosecution service in Scotland. I believe that Colin Boyd has done a tremendous job in the modernisation of our justice system. Some of the attacks that were made on him yesterday were completely unfounded and unnecessary. I hope that Parliament will acknowledge the good work that he has done. There will be opportunities for debates on the post of Lord Advocate in the future. The suggestion that the Lord Advocate was unable to carry out his duties as the independent head of the prosecution service is unwarranted.

Ferry Crossings (Islay)

3. Dave Petrie (Highlands and Islands) (Con): To ask the Scottish Executive, in light of a report to Highlands and Islands Enterprise stating that an extra £1.3 million was generated for the Islay

economy through the initiative to increase the number of ferry crossings during the summer, whether it has any plans to extend the initiative to cover the full duration of the Caledonian MacBrayne summer timetable. (S2O-10719)

The Minister for Transport (Tavish Scott): We are considering the scope for including some service enhancements in the final service specification for the tendering of the Clyde and Hebrides ferry services. Decisions will be announced shortly when we issue the invitation to tender for the services.

Dave Petrie: Does the minister agree that the trial clearly illustrates the major benefits to the island economies of an increase in ferry crossings? Bearing that in mind, will he consider similar trials for other crossings, such as those in the Western Isles?

Tavish Scott: I confirm that, following representations from many individuals and organisations in the islands—and, indeed, from George Lyon, who is the local MSP—we are considering lengthening the period of the two-vessel operation on the routes to Islay as one of the enhancements. We will take the matter forward when the service specification is produced and we issue the invitation to tender.

Mr Jamie McGrigor (Highlands and Islands) (Con): On a point of order, Presiding Officer, George Lyon is not the local MSP for the Western Isles.

The Presiding Officer: You have got that on the record, although I think that the minister probably indicated that.

Disabled Access (Railway Stations)

4. Iain Smith (North East Fife) (LD): To ask the Scottish Executive what plans it has to improve disabled access at railway stations. (S2O-10782)

The Minister for Transport (Tavish Scott): Through the access for all programme, which was announced in August, we will provide up to £12 million during the next three years for Network Rail to improve access at stations. In addition, the First ScotRail franchise includes an annual minor works programme of £250,000 per year for small-scale work to improve disabled access at stations.

Iain Smith: The minister will be aware that I wrote to him recently about disabled access at stations in my constituency of North East Fife—in particular, there is no disabled access to the southbound platform at Cupar station. When will stations such as Cupar be able to bid for the access for all money to gain disabled access? If they are unable to introduce disabled access through that fund, are there any other funding opportunities that can be considered? I am sure

that the minister appreciates that creating such access will cost more than £250,000 at most stations.

Tavish Scott: I appreciate Iain Smith's point about Cupar station, which is similar to the arguments that are being made about many stations on Scotland's rail network.

Transport Scotland is considering the selection criteria, including the potential number of passengers who would use the facility and the importance of transport interchanges, and I hope to receive its advice on the matter by Christmas. That will allow us to progress investment in a number of stations. We have available a funding package of some £12 million over the next three years, but given the weight of concerns on the matter, and in the interests of achieving the most from public money, I will seek to augment that with different funds—for example, through the regional transport partnerships—if possible.

Roseanna Cunningham (Perth) (SNP): The minister will be aware that it is mainly old rural railway stations that have little or no disabled access, including Gleneagles station in my constituency, where there is none. Can the minister assure us that, in future discussions about possible station closures, lack of disabled access will not be used as a justification or an excuse for closing a railway station when alternative investment should have been made?

Tavish Scott: The simple answer is that we do not have any plans to close railway stations; indeed, we are expanding the rail network across Scotland. We are opening stations and augmenting the railway network across the country, so I would be surprised if Ms Cunningham was trying to suggest that we are closing stations. Nothing could be further from the truth.

I take Ms Cunningham's point about Gleneagles station and I assure her that it will be assessed as part of the overall programme. As I said to Mr Smith a moment ago, we hope to be able to take matters forward by the end of the year.

Karen Whitefield (Airdrie and Shotts) (Lab): Does the minister agree that it is unacceptable that disabled residents in Shotts are denied the opportunity to travel independently by rail because access to the eastbound platform of the station is at the bottom of a steep set of stairs? Will he assure me that Transport Scotland will, as a matter of urgency, work with Strathclyde partnership for transport and First ScotRail to ensure that the proposed disabled access, which has been talked about for the past 18 months, becomes a reality?

Tavish Scott: I respect Karen Whitefield's point. It is clear that the situation that she described is unacceptable, so we need to find ways to move

things forward. As I said, we are using not just the access for all fund, but Transport Scotland's small rail projects fund, the First ScotRail franchise and major project funding to seek to move the matter forward. I certainly undertake to look into Karen Whitefield's point about Shotts station to see whether we can find a solution to the problem, which has clearly existed for some time.

Health Services (Clydesdale)

5. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what steps it is taking to improve health services in Clydesdale. (S2O-10747)

The Deputy Minister for Health and Community Care (Lewis Macdonald): I have recently approved plans, with a number of additional requirements, for modernisation of health services across Lanarkshire. I have required that the provision of a community casualty unit in Lanark be brought forward, and other planned changes include the replacement of the health centre at Carluke and investment in a new purpose-built community hospital to serve the Clydesdale area.

Karen Gillon: I thank the minister for his answer and assure him that my constituency welcomes the investment. Will the minister assure me that changes to the health service configuration in other parts of Lanarkshire will not be put ahead of the much-needed services in my constituency, and that a balance will be struck to ensure that all patients in Lanarkshire get the services that they deserve? In particular, can he assure me that a community casualty facility will be equally able to take away from the front door of Wishaw general hospital people who do not require that high level of accident and emergency service?

Lewis Macdonald: The intention of the proposals and the additional requirements is that the best-quality health service will be provided for residents throughout Lanarkshire. Part of that will be that the five community casualty units, including the one at Lanark, will take the majority of people who currently present at accident and emergency units, and that those CCUs should be providing that service before any change to the configuration of the existing accident and emergency services.

Home Renewables Systems

6. Eleanor Scott (Highlands and Islands) (Green): To ask the Scottish Executive what action it is taking to encourage incorporation of renewable energy based heat and power systems and rainwater capture systems in both existing and new-build housing. (S2O-10790)

The Deputy Minister for Communities (Johann Lamont): The Executive has committed to producing a renewable heat strategy for Scotland by the end of 2007. However, we are already taking action on several fronts. Communities Scotland is encouraging the use of sustainable design principles in all housing developments. For example, 100 homes in Aviemore will have heating and hot water provided by a new biomass energy centre.

The Scottish Building Standards Agency is developing an online guide to sustainability in home improvements, which will include advice on energy generation and on the collection of rainwater for use in the garden. The SBSA is also proposing a revision of Scottish building regulations to encourage the use of low and zero-carbon technologies in new dwellings.

Eleanor Scott: I thank the minister for her answer. Recently a member of the public in my region attempted to build a house with a rainwater capture system but was refused planning permission on the basis that the system might not suit the preferences of future occupiers of the house. Although I do not expect the minister to comment on an individual application, does she think that that approach tallies with the Executive's commitment to ensuring that our planning laws work to improve the environment for all? How will she ensure that planners share her commitment to environmentally friendly buildings?

Johann Lamont: Members will know about our planning modernisation proposals and I hope that they will find it in their hearts to support them. They are designed to liberate the planning system from the grind that many planners experience between communities and developers. We are liberating planning so that it can address such questions, use modern technologies, consider the ways in which communities want their buildings to be more effective, and give planners the time to do all that.

Obviously I am not able to comment on individual cases. The member will know that Scottish planning policy 6 deals with renewables and microrenewables and she will know that I do not have to persuade the planners within the Executive or elsewhere to work in that way. We are working on planning proposals that will liberate their intelligence and capacity to ensure that the imaginative ways in which people and communities want to address renewable heat and so on will be progressed.

Mr John Swinney (North Tayside) (SNP): In her first answer, the minister said that she was going to review guidelines to encourage greater use of the heat and power systems that were mentioned in Eleanor Scott's question. Does not she believe that there is a compelling case for

going much further than that to ensure that the planning regulations and building control advice that are issued by the Executive are mandatory, in order to encourage much wider improvement in the housing standards that are applied for renewable energy purposes?

Johann Lamont: We know that people who are persuaded by an argument are more likely to be committed to a course of action than those who are forced to it. A balance has to be struck between voluntary commitment and mandatory action. We have struck that balance through the Scottish Building Standards Agency's on-going work to encourage people to use sustainable design, and through the good advice that is given by Communities Scotland. We will continue to keep under review whether sufficient has been done, whether people have engaged with the issue fully and whether mandatory approaches might be necessary. However, as I said, we are mindful of the fact that engaging and persuading people is far more likely to be effective. Certainly, the Scottish Building Standards Agency's sustainability guide to home improvements seeks to capture the energy that people have shown for working in this area.

Wind Energy

7. Robin Harper (Lothians) (Green): To ask the Scottish Executive whether it is aware that the Renewable Devices Swift Rooftop Wind Energy System is available in Australia but not in Scotland and, if so, whether it is content with this situation. (S2O-10787)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Swift Rooftop Wind Energy System has been installed in a number of locations with support from the Scottish community and householder renewables initiative. I understand that refinements have been made to the system and that it is currently being monitored in a number of locations across Scotland before being made more widely available.

Robin Harper: As the minister said, the Swift turbines have already been approved for SCHRI grant funding and are successfully generating electricity in numerous locations, so why is Scottish and Southern Energy plc apparently still telling people that the system is not yet available? Given that public money has been invested in Renewable Devices, is the minister prepared to intervene to ensure that the 26 direct green jobs and up to 500 indirect green jobs in this fledgling Scottish industry are protected?

Nicol Stephen: As Robin Harper points out, this is a success story. The Executive provided Renewable Devices with funding through the small firms merit award for research and technology—

SMART—and support for products under research—SPUR—schemes. The company was named the best new business at the Scottish green energy awards. It has now entered into a contract with Scottish and Southern Energy, which expects to place approximately 2,000 orders for the system, worth up to £9 million. At the moment, the key issue is the testing of the equipment and the resolution of issues between SSE and Renewable Devices, but those are not issues on which I should comment. However, I believe that the product will be a major success story for Scotland and that we will start to see Swift systems not only in their current locations—in Fife, on Berwickshire Housing Association and Canmore Housing Association buildings and at the Scottish Seabird Centre—but on many public buildings and private houses throughout Scotland and the United Kingdom and, increasingly, around the world.

Forth Valley Hospital Public-private Partnership

8. Michael Matheson (Central Scotland) (SNP): To ask the Scottish Executive whether funding the new Forth valley hospital at Larbert through a public-private partnership is an example of privatisation of the national health service. (S2O-10726)

The Minister for Health and Community Care (Mr Andy Kerr): No.

Michael Matheson: It comes as no surprise that the minister should give that answer, but is he aware of the wide-ranging concern that has been expressed even by Labour members in Forth valley and by trade unions about Forth Valley NHS Board's decision to privatise the jobs of some 700 soft-furnishing staff when they move to the new hospital at the Larbert site? Is he also aware of Forth Valley NHS Board members' concern that the Executive's guidance on the financial modelling of the new hospital is heavily in favour of a private finance initiative outcome?

Mr Kerr: I am unaware of the curtain and soft-furnishing arrangements inside the new hospital. The Scottish Executive makes decisions on behalf of patients. The 860-bed hospital for that community will be delivered in a way that is controlled by the public sector. We decide how many beds it should have, the clinical mix and all the rules around the provision of the hospital.

The member suggests that money grows on trees—that is not surprising given the SNP's economic policy—but I remind him that, in relation to traditional capital, the Executive has put in more than £2.1 billion over three years. The amount has increased from £136 million in 1997 to £532 million this year. That suggests to me that health boards have a choice available. If the case stands

up in terms of good value for public funds and good value for patients, I expect them to explore that route. However, I remind the member that he has referred to only one part of our financing of the NHS. The vast majority of resources that go into our health service are public funds in the traditional manner: patients benefit from those, too.

Cathy Peattie (Falkirk East) (Lab): Will the minister confirm that any transfer of soft-service jobs in the new hospital will be done under Scottish Trades Union Congress protocols to ensure the terms and conditions of the workers involved?

Mr Kerr: Of course the employees—this is the way that we work in the health service in Scotland—will be involved in a partnership process. The workforce would have wanted the tender to be won in-house, but there was a sizeable—multimillion pounds—difference between the bids of the in-house workforce and the private sector provider.

Of course, the SNP would take those millions of pounds outwith the national health service, not spend it on patients and not spend it effectively. As I say, there is a balance of resources available to the NHS. The STUC protocol, which was pioneered here in Scotland, protects workers' employment and conditions. They will benefit from the sizeable terms and conditions of employment in the NHS. Their own personal circumstances are not at risk.

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-2476)

The First Minister (Mr Jack McConnell): Thank you, Presiding Officer. As you know, later this afternoon I will propose a motion to Parliament to nominate a new Lord Advocate for Scotland and a new Solicitor General for Scotland. At this stage, I want to put on record my thanks to Colin Boyd. He has been an outstanding servant of devolution and of Scotland in his time as Solicitor General for Scotland and as Lord Advocate. He has modernised and reformed our criminal justice system in a way that has been of direct benefit to victims and witnesses and to the confidence of the whole of Scotland in it. We wish him all the very best in whatever he chooses to do now. [Applause.]

We will, of course, discuss matters of importance to Scotland.

Nicola Sturgeon: We will all want to wish Colin Boyd every success in the future.

The murder of a young Polish student last week in Glasgow has shocked the country. Our sympathies are with her family and her friends. Of course, the case cannot be commented on directly as it is subject to a police investigation, but does the First Minister agree that it has raised general issues about the operation of the sex offenders register? These are not party political issues, and they are extremely important. Does the First Minister know how many people on the sex offenders register the police have lost track of in the last year and how many are currently unaccounted for?

The First Minister: I do not have those figures, but I have an absolute commitment—preferably on a cross-party basis, as Nicola Sturgeon suggests—to ensure not only that the operation of the sex offenders register but the way in which we deal with sex offenders and potential sex offenders is as effective as it possibly can be. That is why, for example, this year we brought to this Parliament new provisions in the Police, Public Order and Criminal Justice (Scotland) Bill, which were agreed here, that will ensure much more effective monitoring and placement of those who are in the community and far more effective monitoring of those who are in custody and who may eventually end up in the community at some

stage. I am happy to go into that in some detail, but also to talk about the future.

Nicola Sturgeon: We fully support the reforms that are being made, but I am slightly surprised, given the events of the last week, that the First Minister has not made inquiries to find out the answer to my questions.

In the past 24 hours, my office has asked both the Association of Chief Police Officers in Scotland and the Scottish Criminal Record Office for information on the number of people on the sex offenders register who the police have lost track of, but we have been told that they do not hold that information. Does the First Minister agree that in the interests of protecting the public we should know how many sex offenders are off the police radar screen and that the fact that we do not know represents a worrying gap in our knowledge about sex offenders that the public would expect to be filled? Will the First Minister agree to obtain that information as quickly as possible and thereafter maintain it regularly?

The First Minister: It is for precisely that reason that I do not have the figures in front of me today.

I share Nicola Sturgeon's concern: it was the first question the Minister for Justice asked when the information, or potential information—we have to be careful what we say—about this case appeared to come to light.

We have been surprised to find that more detailed information is not available more quickly. We are working with the system to ensure that that information becomes available, but the information of itself is not the complete picture; it is important to ensure that the police and other agencies do the right thing with it and, in particular, that they have available to them more effective powers to monitor the current position of people who are on the register. That is why we introduced new provisions this year that, for example, allow the police greater access to the homes of those who are on the register, to check whether they are there and how they are conducting themselves. It is also why we are considering the key recommendation of the Irvine report, which is that in each and every case there should be a constant assessment of the person on the register and if that person is not making themselves available or they are starting to breach the conditions that apply to their position in the community, the police should have additional powers both to inform people in the community that that is happening and to take action against the individuals.

It is important that we get the information to which Nicola Sturgeon referred and I share her concern about that. The Minister for Justice has made inquiries about that matter this week and we will of course pursue it. However, having the

information is only the start of the story; we intend to do something with it and that will be even more important.

Nicola Sturgeon: I thank the First Minister for his answer. My fundamental concern is not that he does not have the information available today but that, according to my inquiries, no one in Scotland holds that information—I think that that is what is unacceptable. I certainly hope that the First Minister will do something about that.

I will move on to a related concern, which is what happens when a particularly high-risk sex offender goes missing. It seems, from the events of the past week, that no special procedures are in place after a warrant is issued for someone's arrest. Given the particular dangers posed by sex offenders, will the First Minister look at that matter? Will he consider new procedures that ensure that missing sex offenders are tracked with urgency and priority, and that consideration is given, where appropriate, to notifying the public and, for example, issuing photographs?

The First Minister: I am sorry if Ms Sturgeon did not hear all my previous answer clearly enough or if I was not being clear enough. A key recommendation of the report we commissioned from Professor George Irving is precisely to ensure that when someone is breaching conditions at a local level, not making themselves available or in any way hiding from the authorities, in addition to the police being able to take additional action against that individual, there is a system in place, on a case-by-case basis, if someone is considered to be a danger to the public, to provide information not only to a range of organisations, neighbours and those who may come into contact with the individual, but to the local authorities that would need to know.

That recommendation has been made and we have committed to implementing it. Of course, detailed discussion is required to get the provision right—we want to ensure that we know where sex offenders or potential sex offenders are and that they do not go into hiding in a way that makes them unlikely to be detected. It is of course the case that the police across Scotland, when charged with implementing a warrant for someone's arrest, particularly when that person is a danger to the public, take immediate and urgent steps to do so. I do not know whether Ms Sturgeon has any particular examples to suggest of individual police officers or police forces not showing a sense of urgency. If she has, I am sure that we would be happy to pass them on to the chief constables to ensure that action is taken against those who are in dereliction of their duty.

Nicola Sturgeon: There have been instances in the past week that have given rise to that concern,

which is why I think it is important that priority is given to such cases.

Can I say finally that I thank the First Minister for his replies? He will recall that he said in this chamber that it was a priority to

“deliver better public protection through closer supervision of sex offenders in the community”.—[*Official Report*, 25 November 2004; c 12292.]

Just for clarity, will the First Minister say whether he agrees that that is difficult to deliver when we do not know how many sex offenders are evading supervision or how many sex offenders, currently, the police have lost track of? Also for clarity, will the First Minister undertake today to obtain that information and to make it available to this Parliament? How many of the 3,230 people on the sex offenders register do the police currently not know the whereabouts of?

The First Minister: I will reiterate the actions that have been taken, because I know that there will be people watching First Minister's questions who are very concerned about this issue and it is important that they are reassured that this Parliament has taken their concerns very seriously. We passed in the past year an act that came into force on 1 September that requires convicted sex offenders in Scotland to provide the police with more information about themselves, including details of their passports, bank accounts and credit cards, to prevent them from adopting aliases.

We have also required sex offenders to provide a DNA sample to the police when one was not provided at the time of charge or conviction. There were people in this Parliament who voted against that provision and who were not in support of a key element of our ability to detect where people are and what they might be up to.

We have also given the police additional powers to enter and search sex offenders' homes for the purposes of risk assessment, monitoring or checking information that is held on the register. Those provisions are designed to ensure that the police can implement the register more effectively, that they know where people are and that they can take action if someone breaches the conditions that apply.

Although the information that Nicola Sturgeon mentioned and which Cathy Jamieson has inquired about this week does not appear to be held nationally by the police or by other agencies in Scotland, it certainly should be held by police forces at the local level and it should be possible for chief constables to compile it into one set of national data. We will pursue that matter but, more important, we will pursue our policy of putting the right laws and procedure in place to reassure the public. We will do so even when members in the

Parliament are prepared to vote against such measures.

The Presiding Officer (Mr George Reid): One constituency supplementary question fits best here.

Pauline McNeill (Glasgow Kelvin) (Lab): As Nicola Sturgeon said, the tragic murder of Angelika Kluk has shocked all people in Scotland and has had a serious impact on the community that I represent. I will meet police officers later this week to discuss that impact.

I have two questions for the First Minister on issues that are in addition to those that have been raised. There has been a lot of media speculation, although I am sure the First Minister will resist the temptation to criticise at this stage, without knowing the facts. First, will the First Minister consider whether the procedures for identifying individuals in any type of inquiry, including missing person inquiries, are the right ones? Secondly, does the First Minister agree that it is vital for us to pass the Criminal Proceedings etc (Reform) (Scotland) Bill in its amended form, to remove the duty of police officers to deal with means warrants so that they can concentrate their efforts on warrants for serious and violent offenders, particularly sex offenders? The bill, if passed, will make a great difference to the resources that are available to the police.

The First Minister: I thank Pauline McNeill for her question. I have three comments in response. First, of course we are prepared to consider the procedures for identifying individuals. Although those are largely operational matters, it is important for people to have a good look at them and report back to ministers if improvements can be made. Secondly, it is important that the Parliament continues to modernise and reform our justice service from top to bottom. The provisions that Pauline McNeill mentioned are an important part of that modernisation.

Thirdly, as this may be the last question on the subject today, I say to the thousands and thousands of Polish people who have come to live in Scotland in recent years that this is a good and welcoming country where people by and large live safely in their homes and at their work. We all feel real pain about what happened to the young girl and for her family back home and her friends in Scotland. I hope that what has happened will not deter those hard-working decent people from coming to our country and making their contribution.

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-2477)

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

Miss Goldie: Perhaps the next time the First Minister and the Prime Minister have the mutual pleasure of a meeting, they might nestle round the fire for a little chat about something of interest to both of them: retirement. In the past nine years, many older people in Scotland have been fraught with anxiety and uncertainty about that. Frankly, Labour's annual pensions tax raid and the First Minister's council tax hikes have made the lives of the elderly people of Scotland very challenging. With reference to council tax, will the First Minister say how he plans to lighten the load on pensioners, who are barely getting by because of his council tax hikes?

The First Minister: I do not want to go over old ground too much and disappoint Jamie McGrigor, who was clearly smiling behind Annabel Goldie at the mention of retirement—he is looking forward to it with some glee. In relation to the council tax, we commissioned an independent review into local government finance and taxation, which we expect to report before Christmas, that covers payments by those on a fixed income—primarily pensioners. We should await the outcome of that review before we make any further deliberations.

We have rightly maintained pressure on local authorities over recent years to ensure that council tax increases in Scotland post devolution have been lower than those in every one of the final years of the most recent Conservative Government, and lower than they have been elsewhere in the United Kingdom. The increases in Scotland have not been as low as everyone would have liked, but they have been distinctly better in the years of devolution than they were before it, and they have been distinctly better than those elsewhere. Our policy is clearly having some impact.

Miss Goldie: No, that is not good enough. If I understand it correctly, the First Minister's mantra is, "Don't blame me; I've given the councils all the money they need." Councils do blame him, because he is ring fencing that money. Does the First Minister not realise that when the council tax bill drops through the letter box, Scotland's senior citizens do not give a hoot who is to blame—they just want it to be smaller? The Scottish Conservatives have a fully costed proposal to reduce council tax—[*Interruption.*] I can understand the dismay of my opponents, as they have nothing else to offer.

My party has a fully costed proposal to reduce council tax for pensioners of 65 and over by 50 per

cent. Scotland's seniors want a 50 per cent cut in their council tax. Is the First Minister with them or against them?

The First Minister: A proposal is not fully costed unless it is properly paid for every year. I will be happy to have a debate on the future of the council tax and specific provisions for pensioners and others in Scotland when the independent report is published before Christmas. I am sure that we will all be happy to debate that issue between now and the election in May, but if the Scottish Conservatives are going to be taken seriously in that debate, I have to point out to them that it is not possible to pay for a discount every year into the future on the basis of a one-off payment from the sale of Scottish Water, as they proposed this week. That is not a fully costed proposal, it is not a serious attempt to enter the debate and they will have to do better.

Miss Goldie: The First Minister is deliberately distorting the funding mechanism for our proposal, which works on an annual basis, involves the mutualisation of Scottish Water and therefore spares the Executive from an annual outgoing of nearly £190 million.

Let me get this straight: not only is the First Minister not interested in cutting council tax bills, he is not interested in cutting water bills either. That may be very brave, First Minister, but it is not very clever. I shall do what the First Minister does not want me to do: get back to the question at issue, which, as is his custom, he has failed to answer. I shall have a bit of fun by asking the First Minister a simple question that requires a simple yes or no answer. Will the First Minister cut council tax for pensioners by 50 per cent—yes or no?

The First Minister: First Minister's question time is meant to be difficult for me, not for those who are asking the questions. It would be better if supplementary questions were not prepared questions that are read out and do not respond to the answers that have been given.

It is absolutely the policy of this devolved Government to have council tax increases as low as possible and to improve the system of local government finance and taxation. It is our policy to have an independent review into that system, for it to report this year, and then, I am sure, for there to be a healthy debate about its conclusions.

It has also been our policy to ensure that charges for water and council tax are kept to a minimum. That is one of the reasons—along with the hard work of others—why council tax increases in the years of devolution have been less than they were in all the final years of the Conservative Government. Miss Goldie made a brave effort in those days to defend that Government, but it was difficult for her. Water

increases are also lower now than they were then, and there has been additional investment in our water supply that is at last making water across Scotland clean and able to be used safely—unlike the situation during all those years of the Conservative Government, when underinvestment made our water supply the laughing stock of Europe.

The Presiding Officer: We have one constituency supplementary question, from John Scott.

John Scott (Ayr) (Con): The First Minister will be aware that the board of NHS Ayrshire and Arran decided yesterday to close the accident and emergency unit at Ayr hospital. That facility is much used by my constituents. The First Minister knows the geography of Ayrshire, Arran and south-west Scotland; does he agree that lives will be put at risk if only two accident and emergency units remain in south-west Scotland—one at Crosshouse in Kilmarnock and one at Dumfries?

Does the First Minister further agree with the 55,000 petitioners and the 5,000 street protesters that the geography of south-west Scotland demands that the accident and emergency unit at Ayr be kept open to compensate for the huge distances involved in time-dependent emergency situations?

The First Minister: I say to the good people of Ayr and south-west Scotland that they should not be scared by the scaremongering of John Scott and others in this campaign. It is vital that ministers make balanced judgments on the proposals that come from the health board. They will do so. They will treat the information objectively and make a judgment objectively on the outcome.

I also want to state clearly that Ayr hospital will benefit from new investment of more than £40 million as a result of proposals that are coming forward. A new specialist minimal invasive surgical unit will be installed; stroke rehabilitation services, which are needed in that area, will be developed; neurorehabilitation services will be developed; and a new 50-bed unit, medically led and providing subacute care, will be developed, particularly for elderly patients. Furthermore—and this is of particular interest to me, as John Scott knows, given what has happened recently in my family in Ayr and elsewhere in the area—a new cancer unit will be developed in the hospital. That, I think, will be welcomed locally.

I hope that when people see the overall package, and when ministers make an objective decision, people will agree that it is the right decision.

Chronic Health Conditions

3. Dr Jean Turner (Strathkelvin and Bearsden) (Ind): To ask the First Minister what action the Scottish Executive is taking to help national health service patients with chronic conditions to improve their quality of life and return to work. (S2F-2478)

The First Minister (Mr Jack McConnell): The chief medical officer is developing a national strategy for the management of people with long-term conditions, working closely with groups who represent those who are affected.

A number of schemes are already in place to assist people to return to work, including programmes to help people tackle barriers to work, pain management programmes and pre-employment training.

Dr Turner: I would like the First Minister to consider one particular chronic condition. Is he aware that we urgently need to change the way in which the NHS treats the thousands of people who live with chronic pain and therefore cannot work? There is a cost of millions of days off work, and millions of pounds are paid in benefits and drug bills. Those people also require 20 per cent more general practitioner appointments because they receive inadequate pain control.

The First Minister: It is precisely because of the importance of the issue that the chief medical officer is looking at the long-term plan. I absolutely agree that there are ways in which the health service can assist people—even those in chronic pain—to take up some form of employment. That will require close working among local agencies in addition to the support offered by the health service. I have every confidence that the work that is currently under way through the chief medical officer will lead to good recommendations that we will be able to support.

Dr Turner: In October 2004, the World Health Organisation stated that pain relief is a human right. I am sure that the First Minister agrees that it is. I know that we are working very hard to improve things, but is the First Minister aware that if pain is treated inadequately, it may cause suicidal thoughts, depression, helplessness, isolation and family breakdown? Will the First Minister use his power to restore quality of life to thousands of chronic pain sufferers by accelerating the introduction of nationwide chronic pain clinics backed up by adequate funding and resources for the health boards? Please.

The First Minister: That is a serious proposal and I am sure it is the kind of proposal the Chief Medical Officer will look at. Chronic pain is one of those issues, developments and concerns that have become more prominent since this Parliament came into existence. That has been a

healthy aspect of having our own Scottish Parliament: many of the conditions that were not perhaps a priority in the past are now receiving more priority attention from politicians throughout the chamber.

I am sure that Jean Turner will agree with me when I say that one of the key reasons for having reorganisation of the health service at a local level is to ensure that we are able to deal with such new developments, that we do not have a health service that is focused only on treating acute conditions, and that it supports people with chronic pain and other problems. That is why the reorganisation of our health service at a local level throughout Scotland is so important.

Physical Education

4. Bristow Muldoon (Livingston) (Lab): To ask the First Minister what steps are being taken to improve the provision of physical education in schools. (S2F-2481)

The First Minister (Mr Jack McConnell): We are committed to providing a minimum of two hours of good quality PE to every pupil in Scotland. To improve both the quality and quantity of PE in schools, we will provide for 400 additional teachers by 2008 and we have already increased entrants to the postgraduate PE qualification from eight in 2002-03 to 80 today.

Bristow Muldoon: I welcome the Executive's commitment to increasing the amount of PE that pupils experience in school. As a parent with three sons who participate in competitive sport, including football, tae kwon do and golf, I agree with the First Minister's comments, which were reported at the weekend, that competitive sport does a lot to stimulate the brain, make young people more alert and give them a sense of achievement. How does the First Minister aim to take forward those aims and ensure that young people have more opportunities to experience competitive sport in schools?

The First Minister: I have no doubt that Bristow Muldoon took part in a lot of competitive sports at school, which is why his interventions in the chamber are so effective.

Given my experience as a school teacher in the 1980s, I believe that the existence of regular, particularly competitive, sports occasions in schools and between schools is healthy for young people and society as a whole. I hope that over the next few years we will see many more schools throughout Scotland taking up such opportunities enthusiastically and giving young people that chance.

Children's Services (Funding)

5. Fiona Hyslop (Lothians) (SNP): To ask the First Minister whether the Scottish Executive has any plans to conduct a review of how children's services are funded. (S2F-2486)

The First Minister (Mr Jack McConnell): We will of course look at support for children's services as part of wider discussions on the next spending review. The Executive has made substantial investment available for social work, including an increase of more than 80 per cent in funding over the past seven years, that, with significant investment through other programmes specifically for children, has given local authorities the resources to fund children's services in full and deliver improved services for vulnerable children in particular.

Fiona Hyslop: Does the First Minister share my concern at the 15 per cent increase in child protection referrals that is revealed in the figures that were published on Friday? Each and every one of them reflects a damaged childhood. How does that square with the Scottish Children's Reporter Administration's concerns about the crisis in funding there and Professor Midwinter's claim that the structural funding gap and the mismatch between national and local levels—councils spend more than 60 per cent of grant-aided expenditure on those services—are the most worrying he has seen in decades? Does the plight of the most vulnerable children in Scotland not give a practical and urgent reason why the First Minister must publish the budget review group's review now?

The First Minister: To make the right decisions on budgets is precisely why ministers should have a thorough review of existing budgets and make the right decisions. The Parliament should then hold ministers to account for their recommendations on the budget next year and beyond.

Some of the comments Opposition politicians made last week on the announcement of the new figures for child protection referrals were not only immediately damaging to those who work in that field but potentially damaging to children in Scotland in the years to come.

The increased number of young people who are properly referred to child protection measures is far more likely to be an indication of growing confidence in the system, of a feeling that referrals should take place and that fewer social workers, teachers, doctors and others are holding back from making a referral, than of the sort of insinuation Fiona Hyslop and others have made. For that reason, I congratulate those professionals on taking their jobs more seriously and making more referrals. That way, more young children in

Scotland will be properly protected. Condemning those professionals for making referrals will lead them to hold back in the future, which would put more young people in danger.

School Discipline

6. Iain Smith (North East Fife) (LD): To ask the First Minister what plans the Scottish Executive has to support teachers in improving school discipline. (S2F-2489)

The First Minister (Mr Jack McConnell): Our new joint action plan, published in response to the 2006 discipline survey on behaviour in Scottish schools, sets out how the Executive, working together with these key stakeholders, will support teachers further in improving school discipline.

Iain Smith: Does the First Minister agree that that survey of behaviour in schools indicates that the vast majority of pupils are well behaved, that violence against staff is reported as being rare and that most indiscipline happens outwith the classroom? Does he also recognise that the study highlights the fact that it is pupils who seem to be most concerned about indiscipline in schools? Does he agree that working with the majority of pupils who are concerned about discipline to develop effective disciplinary practices in schools is the best way of dealing with the minority who disrupt our schools?

The First Minister: That is a good point. In my visits to primary and secondary schools, it is clear that some of the most effective things that are happening to reduce school discipline problems involve the youngsters.

For example, this week, I visited Central primary school in Inverness, where youngsters in primaries 6 and 7 operate as buddies and mentors to the younger children in the school, helping them to overcome difficulties and protecting them from bullying or any other difficulties that they might face. Further, the youngsters in that school take part in a pupil council, which involves them in the decisions of the school every week. I believe that, although it is important to have tough rules on school discipline and to implement them effectively, it is far more important, in the longer term, to engage young people in their education and to encourage the older ones to take more responsibility for the younger ones. By doing that, we will create a more sustainable pattern of good behaviour in our schools. I congratulate the head teacher, staff and pupils of Central primary school in Inverness on the way in which they have been tackling that problem.

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Public Services and Communities

Affordable Housing

1. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Executive when the working group considering ways of increasing the supply of affordable housing will report. (S2O-10707)

The Minister for Communities (Malcolm Chisholm): I convened the affordable housing working group to secure the input of a cross-section of interested parties on practical ways of making the housing supply more effective in areas of greatest need. The group has no plans to publish a formal report, but I intend its discussions to influence practice and help to inform our policy approach to the key subject of affordable housing.

Rob Gibson: I hope that the minister is aware that, given the average annual salary multiplier, it takes four years to save the down payment on a property; that the density of new-build houses has had to be increased at recently approved housing developments, such as those in Dornoch, to enable people to afford houses; that house prices are rising faster in Scotland than in the rest of the United Kingdom; and that rises in the prices that are paid for Scottish estates and farmland have outperformed the stock market in the past 25 years. Given that, will he ensure that his working group evaluates the cost of serviced house sites, the cost of building materials and, above all, the rocketing cost of land for building, on which written answers to me have said that information is not held centrally?

Malcolm Chisholm: Land supply is central to the group's discussions, but some issues are beyond our direct control, such as the cost of materials. We are concerned to consider all the issues—not just investment needs, although they are significant, but matters such as land supply. In the Highlands, which Rob Gibson represents, many of the problems are manifest, but action is being taken on all those fronts. A big increase has been made in the affordable housing investment programme and, if people in the Highlands vote for community ownership, great new opportunities will be presented, such as 1,000 homes over and above the existing increase, plus all the other rent and investment advantages for council tenants.

We are considering other issues, such as land banking. The innovative land banking scheme in the Highlands is helping to release land. Recent discussions have been held with Scottish Water on issues that I have been concerned about, so progress is being made. Of course, many issues and challenges exist, but we are rising to them, not least in the area that the member represents.

Councils for Voluntary Service

2. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what support it offers to encourage the work of local councils for voluntary service. (S2O-10745)

The Deputy Minister for Communities (Johann Lamont): The Scottish Executive is providing more than £3 million per annum to the network of 56 CVSs throughout Scotland. That represents a 13 per cent increase on the previous three-year funding package.

Cathie Craigie: I appreciate the work that the Scottish Executive has done to encourage voluntary organisations in communities. Is the minister aware of the difficulties that we are experiencing in Cumbernauld and Kilsyth and of the move by the Scottish Council for Voluntary Organisations to merge into one CVS all the CVSs in North Lanarkshire Council's area? Residents in my constituency and volunteers who are involved with that successful group of CVSs totally oppose that move. What is ministers' view on how the CVSs should approach the issue?

Johann Lamont: I welcome the member's recognition of the significant support that we give CVSs. I said that the increase on the previous three-year funding package was 13 per cent, but members may wish to know that there has been a 30 per cent funding increase since 2001. That did not happen by accident; it was an active political choice to fund the CVSs, because we recognise the important services that they and the broader voluntary sector can provide locally.

I am aware of the issues in North Lanarkshire. The CVS network is independent of the Government. We are keen for the services that CVSs provide locally to continue and we have funded North Lanarkshire appropriately. How it is organised is a matter for the CVS network to decide locally.

The Deputy Presiding Officer (Trish Godman): Question 3, in the name of Jamie Stone, has been withdrawn.

Job Relocations

4. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive whether, following the publication of the Audit Scotland report, "Relocation of Scottish Executive departments,

agencies and NDPBs", it will now introduce a moratorium on relocation announcements until it can respond in full to the recommendations contained in the report. (S2O-10781)

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): The Audit Scotland report does not call for and we do not propose to have a moratorium on relocation decisions. We remain committed to sharing the benefits of public sector jobs throughout Scotland, particularly in areas of need. The Audit Scotland report provides useful recommendations that are consistent with improvements that we have made and are making to the delivery of relocation policy. We are considering its findings carefully.

Margaret Smith: I am disappointed by the minister's response to the question of a moratorium. A number of concerns were clearly brought out in the report. The Scottish Executive assured the Finance Committee that it would give more information about the reasons behind relocation decisions, but the Auditor General for Scotland has given evidence to the Audit Committee that he is not aware that that is being done. Will the minister assure us that more information will be forthcoming in future? Will he also seriously consider changing the policy so that final decisions are taken by accountable officers, as in the rest of the United Kingdom, rather than by ministers?

George Lyon: I reassure the member that we have made it clear to the Finance Committee that we will provide full evaluations of all the relocation projects to date and that we will give statements of the reasons behind each decision.

Shifting the decision-making responsibility is an interesting idea and I have no doubt that ministers might want to consider it at some stage. At the moment, however, ministers will continue to make the final decisions on relocations.

Des McNulty (Clydebank and Milngavie) (Lab): I appreciate the minister's comments about the clarification of the relocation criteria and more systematic working. However, does the minister agree that many of us think that the relocation policy is important and that, while there have been some issues with some relocations, it is crucial that we take jobs out of Edinburgh and do not end up with Scotland's government being concentrated in one city?

George Lyon: I have to agree with the member. Not many days go by without a member approaching me with a request that their area be considered and that relocations be delivered to them. The policy is extremely popular throughout the chamber.

Alasdair Morgan (South of Scotland) (SNP): I welcome what the minister said in his initial answer, because the last thing we need is a moratorium on the relocation policy. Does the minister agree that we need more relocation of smaller units, particularly to those areas that have received very little from the centre, such as Dumfries and Galloway?

George Lyon: I am happy to concur with the member. I am constantly chiding officials to come up with more suggestions for small-unit relocations, and I could not agree more that they need to be well distributed around the country.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): The minister is aware that more than 1,000 staff are based at the headquarters of Registers of Scotland at Meadowbank. Does he share my concern that it is more than five years since a question mark was placed over the future location of the staff and the agency? When might a decision be taken on that? Will he assure us that he will take into account fully the evidence presented in two appraisals that shows that the cost to the taxpayer and the operational risk of even a partial relocation would be significant? If a commonsense approach were adopted in such cases, some confidence in the Executive's approach might be restored.

George Lyon: I understand the member's point. I point out that the first phase of the investigation into the relocation of Registers of Scotland considered a full relocation and it was decided not to proceed with that. A second investigation was then undertaken into partial relocation. Ministers take this matter seriously, so we have sought further information to enable us to make an informed and proper decision. That information has now been provided and we are very close to making a final decision on the relocation of Registers of Scotland.

Homelessness

5. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what measures are being taken to address the issue of homelessness across Scotland. (S2O-10754)

The Minister for Communities (Malcolm Chisholm): The Executive is working with local government and partners on a wide range of actions to prevent and tackle homelessness. In particular, action is focused on taking forward the recommendations of the homelessness task force and the interim objectives set out in my statement on the abolition of priority need.

Marilyn Livingstone: I will concentrate my remarks on the Fife figures. Although there was a drop of 44 in the 2004-05 figures for people assessed as homeless, a Fife Council

spokesperson confirmed in the *Fife Free Press* last week that the council expects there to be a rise in the 2006-07 figures. What steps can the Executive take to support councils and other agencies in stopping that upward spiral?

Malcolm Chisholm: Assessed numbers of homeless people are much the same this year as last year. The number of applications went up a bit, but not in Fife, as Marilyn Livingstone has pointed out. If something is happening in Fife this year, it is not yet reflected in the figures. If Marilyn Livingstone has more information, I would be interested to hear it.

Generally, Fife is doing pretty well on homelessness, because of the policies adopted by the council. I was pleased to see that in Marilyn Livingstone's constituency there are plans to open a Home4Good centre. I was pleased to open a similar centre in Dunfermline last year. They are excellent centres where homeless people and those who are at risk of homelessness can access services that they need.

The budget for new affordable housing in Fife has increased significantly this year to £18 million, as against £12 million last year. Over and above that, in the past 12 months Fife Council has been awarded £5.6 million from the housing estates regeneration fund for new-build projects in regeneration areas. Fife is moving in the right direction when it comes to investment. The council has some excellent initiatives, as I said, but if there are continuing problems I would be pleased to hear about them from Marilyn Livingstone.

Tricia Marwick (Mid Scotland and Fife) (SNP): The minister must be aware of the great concern throughout housing associations and local authorities in Scotland that the 2012 target to house all those who are homeless is under threat because they simply do not have the resources. What can the minister tell us about additional resources that might go towards housing and homelessness to ensure that the 2012 target is met?

Malcolm Chisholm: We are strongly committed to the 2012 target, as indicated by the profile of housing expenditure over the current spending review period. A further increase will be made in 2007-08 to bring the number of new builds up to 8,000. Anything beyond that will be a matter for the spending review, which will be informed by our policy commitment to 2012 and the detailed work to estimate housing need that we have been doing through Professor Bramley. Tricia Marwick can be assured that housing will be given significant attention in the spending review.

Business Rates

6. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive how revenue raised from business rates has been affected by the increased number of low-cost flights to and from Scotland. (S2O-10725)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The business rate income collected from airports is a matter for local councils. The information that the member requests is not held centrally.

Phil Gallie: Does the minister agree that the introduction of low-cost flights and the good support from the Executive has increased income into Scotland by £140 million? The point of my question is the opportunities for small business start-ups that arise from that. Does the minister agree that extra revenue will be raised by starting up those businesses?

Mr McCabe: I concur entirely with that point. I am delighted that Mr Gallie recognises the visionary policies that the Executive has put in place to improve Scotland's economy and the business environment. We are delighted not only that the member recognises that but that we have been so successful in our drive towards consensus politics that Opposition politicians are so complimentary about us.

Mr John Swinney (North Tayside) (SNP): I would hate the minister to think that consensus on the matter has been achieved on all sides. How many companies that are involved in the operation of low-cost flights have been disappointed by the Government's inability to publish and implement a research and development scheme that will reduce business rates for companies involved in R and D? The scheme was announced to Parliament, but we now understand that it cannot be implemented. Is it a significant number of companies or is this another case of information not being held centrally?

Mr McCabe: I can confidently say that the number of such companies—if there are any—will be insignificant, because the initiatives that the Executive has put in place have created attractive business opportunities for companies and have helped many people in Scotland to enjoy the benefits of foreign travel at low cost.

Free Central Heating Installation

7. Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): To ask the Scottish Executive how many homes in the Mid Scotland and Fife region have received free full or partial central heating installation since 2001. (S2O-10776)

The Deputy Minister for Communities (Johann Lamont): Since the central heating

programme started in 2001, 5,250 central heating systems have been installed in Mid Scotland and Fife, as at the end of September.

Mr Arbuckle: Can the minister assure the Parliament that there will be a seamless transfer of obligations as part of the transfer of the delivery contract to Scottish Gas and that members of the Scottish Parliament will not be plagued by complaints about partially completed work, especially as winter is coming?

Johann Lamont: Far be it from me to be involved in anything that involves MSPs being plagued by anything.

We acknowledged the need to go to tender for the new contract. It is essential that every penny that we spend is directed at ensuring best value, so that as many people as possible benefit from a significant programme. I remind members that in the 18 months from the beginning of October to 31 March 2008, £62.5 million of public money will be committed to ensuring that central heating is installed in people's homes. That is a remarkable amount of money, and we should not simply say, "Yes, we're spending that money, but let's talk about the difficulties with the programme."

There needs to be a transition period and we are determined that it should be as seamless as possible. We acknowledge that that will involve challenges, particularly given the popularity of the programme. Scottish Gas is charged with a commitment to customer care, as was the Eaga Partnership, and installers are continually reminded that although the central heating system is free for the person who receives it, it is not free for the public purse, so everything should be done to ensure that people receive systems in an entirely acceptable way. Of course, we are happy to respond to specific problems that might emerge as the process continues.

Margaret Mitchell (Central Scotland) (Con): Does the minister accept that in too many cases the worthwhile scheme that the Eaga Partnership used to operate resulted in horrendous problems for elderly people? In the worst case, an elderly couple's house burned down. Will the minister confirm that the Labour-Liberal Democrat coalition will at least assume a moral responsibility to help in such dire circumstances?

Johann Lamont: First, I think that everyone recognises that the investment of £290 million of public money in central heating systems is not a problem, however members might try to characterise it as such. As a consequence of that huge public investment there have—understandably—been difficulties in individual cases. I have pursued such cases in the past and will be happy to do so again. However, there have

not been, as the member said, difficulties “in too many cases”.

There are challenges. I alluded to the fact that some installers have taken a poorer view of customer care than they would have done if the person had been paying for the system themselves. That is entirely unacceptable. Our contract with Scottish Gas emphasises the importance of customer care and responsibility.

Installers of central heating systems should be insured against problems, so we must be careful, because it would not be appropriate for the public purse to pick up the cost of problems simply because it is funding the central heating programme. I am mindful of the challenges involved, and installers are challenged not to regard the programme differently. I will take up individual cases as they are raised with me.

We should not allow anyone to talk down hugely significant public investment in addressing fuel poverty, which is making a difference and will continue to do so.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I echo the minister's words. Many people in Cumbernauld and Kilsyth welcome and have benefited from investment in their homes and comfort.

However, as a result of the contract transfer, a number of good companies that demonstrate commitment to customer care are at a loss to know whether they will continue to be involved in the programme. Will the minister give me an assurance that Scottish Gas, the Executive and Communities Scotland will liaise with those companies, to ensure that we minimise job losses?

Johann Lamont: I am conscious of the issue that Cathie Craigie has flagged up and would be happy to discuss it in more detail if she feels that there will be particular consequences in her area.

One of the important by-products of the central heating programme is that it has exposed the need to skill up our workforce to do such jobs. If anything, we may have been part of a job creation scheme in the field of central heating installation, which is to be welcomed.

I know that some challenges are faced in implementing the scheme in rural areas. My understanding is that Scottish Gas is content to continue to use installers who have the necessary expertise. It is logical for them to do that, especially in the light of our desire to make the transition between providers as seamless as possible. If there are specific concerns about the transition and how it might impact on jobs locally, I would be more than happy to discuss them with members such as Cathie Craigie.

Education and Young People, Tourism, Culture and Sport

Kinship Carers

1. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what discussions it has had with the Convention of Scottish Local Authorities regarding the payment of allowances to kinship carers. (S2O-10766)

The Deputy Minister for Education and Young People (Robert Brown): COSLA recently took part in a meeting with the Scottish Executive and local authorities to scope out the issues with regard to kinship care. COSLA has also been invited to join the reference group to support the development of the national fostering strategy.

Dr Murray: I thank the minister for his reply and for the Executive's consideration of the circumstances of relatives who care for children whose parents are not capable of that.

Is the minister aware of the recent research that suggests that it might cost up to £100,000 to raise a child to the age of 18? Does he agree that grandparents, in particular, who may be retired or preparing for retirement after bringing up their own families, may find it extremely difficult financially to support their grandchildren for a number of years and, in some cases, to adulthood?

Robert Brown: I recognise Elaine Murray's point. That is why kinship care is under urgent consideration as part of the development of the national fostering strategy.

The member will probably be aware that, on top of the other funding that is available, an extra £12 million has been put into the system to support foster care and kinship care. Local authorities have put that money to good use in progressing the kinship care agenda in a variety of ways.

We acknowledge and value the important role that is played by grandparents and other relatives in providing secure and stable homes for children. It is fair to say that local authorities can already pay allowances, both when children are formally in care and when they are looked after informally by relatives such as grandparents. Part of the task is to scope out the complex aspects of the different circumstances involved so that we end up with a system that is workable and practical and which brings relief to the kinship carers who are most in need.

Mr John Swinney (North Tayside) (SNP): Does the minister acknowledge that in addition to the important issue that Elaine Murray has raised, a number of matters relating to the health portfolio arise under the care 21 agenda? Is there dialogue between education ministers and health ministers to ensure that the Government produces a

comprehensive response that addresses the issues to do with the position of carers in today's society that care 21 raised?

Robert Brown: I am grateful to John Swinney for asking that question. It is perhaps a commonplace to say that many of those issues go far wider than the departmental portfolio in which they lie. For example, kinship care overlaps with social security provision and other such matters that are reserved to Westminster. There are many complex issues for us to address.

The fostering strategy, which will be put out for consultation as soon as possible and certainly before the end of the year, will give people an opportunity to approach the argument from all sides. The Executive will ensure that all possible interests are taken on board in the discussions that surround those complex issues.

Examination Attainment (Dundee)

2. Shona Robison (Dundee East) (SNP): To ask the Scottish Executive why attainment levels for Scottish Qualifications Authority examinations in Dundee are below average. (S2O-10706)

The Minister for Education and Young People (Peter Peacock): A number of factors may be involved. For example, people in Dundee are roughly twice as likely to live in a deprived area and there is frequently, although not always, a close correlation between deprivation and attainment.

In addition, 11 per cent of secondary pupils in Dundee have a record of need or an individualised educational programme, whereas the figure for the whole of Scotland is only 4 per cent. In Dundee, the rates for pupils who stay on into secondary 5 are significantly lower than the national average. That can show through in the overall statistics for exam results.

That said, all local authorities have a duty to secure the best outcomes for their young people and Dundee City Council's performance is being monitored through inspection by Her Majesty's Inspectorate of Education.

Shona Robison: Does the minister share my concern that Braeview academy in my constituency has particular problems with SQA attainment levels? Is he aware that, although the school board has raised concerns about recruitment and retention problems at the school with Dundee City Council education department on a number of occasions over a long period, the problems continue and have a severe impact on attainment levels? When parents met me earlier this week, they expressed concern that some children had received no science teaching for the first six weeks of the new school term. I ask the minister to take those issues seriously. Will he

agree to meet the school board and me so that he can hear those parents' concerns directly?

Peter Peacock: I am obviously not directly aware of the concerns that Shona Robison raises. In the first instance, they are best discussed with Dundee City Council's director of education because the council carries the responsibility for such issues. However, we recognise the particular challenges that Braeview academy faces, which is why it was picked as a school of ambition. Extra investment is going into the school to try to encourage it to have more aspiration and to begin, over time, to lift standards. I am confident that the extra money that we are putting into the school—some £300,000 over Braeview's initial period as a school of ambition—will help to lift the climate of the school over time.

Marlyn Glen (North East Scotland) (Lab): I welcome the minister's answer. Does the minister agree that the measures that are being taken in Dundee at the moment under the learning together in Dundee initiative are beginning to make a difference? I am not sure whether Shona Robison knows much about that. *[Interruption.]* I did not think that she was listening. Does the minister also agree that working together, rather than criticising from the outside, is the key to bolstering success in schools? Pupils and teachers need to know that they are being supported in their efforts while still being challenged. Complacency is not the idea at all. As a former teacher—

The Deputy Presiding Officer: Is there a question here, Ms Glen?

Marlyn Glen: There certainly is. I have asked this already, but I ask the minister to recognise the number of S5 pupils in Dundee who go on to college, where they do well. That measure is not included in school attainment.

Peter Peacock: I got both Marlyn Glen's questions—the early one and the later one—even if members in other parties did not pay sufficient attention. One of the ways to increase attainment is to pay attention in class; it helps.

I agree that working together is important. It is also important not only to support schools when they are challenged but to make them face up to those challenges. Purely on the statistical evidence, Dundee City Council's performance is poorer than most in Scotland, which is something that the council needs to address over time.

However, Marlyn Glen is also right to point out that other factors beyond the pure statistics need to be taken into account. Dundee City Council is doing the right thing by offering a group of pupils an alternative curriculum that does not show up in the statistical results. It is also right to say that a higher number of pupils from Dundee's schools than from the cohort of schools that are similar to

Dundee's go on to higher and further education. We are also seeing positive trends in Dundee in that fewer kids are ending up in the not in education, employment or training category. There is also very good practice in vocational education in Dundee, which Her Majesty's Inspectorate of Education has specifically praised.

Although there are serious challenges in Dundee that require to be addressed, it is not all gloom and despondency.

Pupil Attacks

3. Margaret Mitchell (Central Scotland) (Con):

To ask the Scottish Executive what support is available for teachers who have been attacked by their pupils. (S2O-10727)

The Minister for Education and Young People

(Peter Peacock): Pupil attacks against teachers are, thankfully, very rare but always unacceptable. However, when they occur, education authorities may respond, for example, by offering direct support and counselling services to staff and through restorative processes.

Margaret Mitchell: Is the minister aware that, when a teacher is accused of attacking a pupil, there is currently no support or anonymity available to them, despite the fact that the vast majority of such allegations have been found to be without substance or have been disproved? Is he also aware that such allegations attract intense media coverage, as a result of which innocent teachers' reputations and careers can be damaged permanently? Will he therefore take steps to support teachers who find themselves in those circumstances by ensuring that their anonymity is protected until such time as they are proved guilty?

Peter Peacock: That question was raised with the Executive some time ago and Cathy Jamieson responded to it by maintaining the current position. I recognise the member's point, however. Teachers can indeed get exposed to that sort of coverage in relation to an accusation that is not upheld in court, but so can individuals in other circumstances who go to court and are subsequently proved to be not guilty. It is difficult to distinguish the particular circumstances of teachers in such situations and in the court system overall, compared with the circumstances that might apply to others who go to court.

In the recent past, there have been two cases in Scotland with a very high level of publicity attached to each of them. In one, a teacher was cleared of the charges brought against them. I can understand the anguish that that person felt, although they were publicly cleared of the charges against them. There was also a case in the past couple of weeks in which the teacher concerned

was found to be guilty of the charges. A balance must be struck. At present, the Executive does not see a case for changing the current position.

Lord James Douglas-Hamilton (Lothians)

(Con): Does the minister appreciate the very strong feeling among teachers on the issue, especially as children—quite rightly—have anonymity? Will he accept that there is a very strong case for changing the law in the best interests of teachers, especially in cases where they are falsely accused, and all the more so as there should be a presumption of innocence, which in many cases is being breached?

Peter Peacock: I do not think that the presumption of innocence is being breached by the Scottish court system—I am sure that Lord James was not suggesting that. I do not have much to add to my replies to Margaret Mitchell. We thoroughly considered the matter recently. We appreciate the point that teachers have been making. However, there are two sides to the coin. On balance, we felt that it was only right to maintain the existing position.

Historic Scotland (Town-centre Regeneration)

4. Margaret Jamieson (Kilmarnock and Loudoun) (Lab): To ask the Scottish Executive how Historic Scotland is assisting the public and private sectors in the regeneration of town centres. (S2O-10753)

The Minister for Tourism, Culture and Sport

(Patricia Ferguson): Twelve local authorities are to receive a share of £8 million in funding from Historic Scotland's historic environment regeneration fund to improve the state of repair and appearance of conservation areas, many of which lie within town centres. Both the public and private sectors will benefit from the partnership funding, which will support 13 area-based regeneration schemes and conservation initiatives. East Ayrshire Council has received an initial grant from the fund of £711,170 for Kilmarnock town centre.

Margaret Jamieson: As the minister has indicated, East Ayrshire Council was successful in its efforts to attract funding from Historic Scotland. However, the local company that owns the former Kilmarnock Opera House, which is in the town centre regeneration area, was unsuccessful in obtaining funding from the historic environment building repair grant scheme. The company has been advised that it will now be considered for a share of the award that the minister mentioned. Will the minister assure me that she will recommend that the level of funding that has been awarded to East Ayrshire Council will be reconsidered should it be found to be insufficient to enable the inclusion of that private company in bringing the former opera house back into use?

Patricia Ferguson: Ms Jamieson is correct to say that funding for the former opera house project will be provided by East Ayrshire Council out of its historic environment regeneration fund grant, which has been increased by £100,000 to accommodate that particular project. The sum is now larger than the amount that it might have been possible for the opera house to attract had it been able to receive money directly from the building repair grant scheme.

Although the proposals for the repair and renovation of the opera house are at a very early stage, I understand that the only part of the work that would have been eligible for the funding would have been largely used for the repair and retention of the façade. I understand that, in the event that the costs of the eligible works exceed Historic Scotland's initial estimate, the agency has already given East Ayrshire Council an undertaking to increase its conservation and regeneration grant further.

Mr Jamie McGrigor (Highlands and Islands) (Con): In areas facing severe economic difficulty, it is important that public and lottery moneys fund a higher proportion of the total cost of regeneration. Such areas find it difficult to draw as much funding from the private sector.

Will the minister consider moves to increase the support that Historic Scotland gives through its historic environment regeneration fund to projects that are receiving funding under the lottery's townscape heritage initiative?

Patricia Ferguson: I am not sure that the basic premise of Mr McGrigor's question is accurate. However, I will say that Historic Scotland keeps its grants, and the criteria that apply to them, constantly under review. It will of course respond to any specific examples of difficulties in as sympathetic a manner as is possible within its structures.

Rural and Urban Schools

5. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive how it differentiates between rural and urban schools in terms of policy making. (S2O-10783)

The Minister for Education and Young People (Peter Peacock): In making policy we endeavour to take account of the needs and aspirations of a huge range of different interests, including those of rural areas.

Nora Radcliffe: I draw the minister's attention to the issue of underoccupancy in rural schools. Many such schools were built at a time when every farm sustained several families, and some were built as junior secondary schools at a time when the structure for delivering education was different from today's. Does the minister agree

that, although technically underoccupied, those schools are still at the centre of a community and still in the right place? Will the minister assure me that that is firmly understood at Scottish Executive policy-making level, and that in any consideration of the viability of a rural school, technical underoccupancy will be treated either as largely irrelevant or as a positive factor, in that it could offer opportunities for alternative community or public use?

Peter Peacock: There are various aspects to that question. I have a lot of sympathy with what Nora Radcliffe says. In many rural parts of Scotland, although the schools were designed for a different population from the one that exists today, it is not possible to have a school anywhere else because of the distances involved. Nora Radcliffe is also correct in saying that, when there is underoccupancy because of low pupil numbers, there are opportunities for providing other services—such as child care and early years services, which continue to expand.

I welcome the question because it gives me another opportunity to knock on the head the myth that a hard rule exists that, when a school's occupancy falls to 60 per cent, the local authority is obliged to consider its closure. That is simply not the case. The Executive does not recognise any such rule.

When reporting to local authorities on value questions, the Accounts Commission uses several thresholds to describe the occupancy of schools. It records 100 per cent levels, 80 per cent levels, 60 per cent levels and 40 per cent levels. None of those levels is a trigger for closing a school. Closing a school is a very serious issue and there should be no presumption of a school's closure by any local authority. The local authority always has to make the case for closure. It has to be clear and open with parents about what that case is, and everything should be done in public. There is no automatic rule and the Scottish Executive will not recognise any such rule.

Fiona Hyslop (Lothians) (SNP): That was a very important statement for the Executive to make. However, how does the minister relate that statement to reports by Her Majesty's Inspectorate of Education? An HMIE report on the estates review in Moray specifically mentioned the 60 per cent rule and capacity issues. How will the minister ensure that the Accounts Commission, as well as using a value judgment on undercapacity, takes account of the educational and community benefits that a rural school can offer? How can we change the current climate, in which too many schools feel under threat because of statements from the Accounts Commission and from HMIE, which report to you?

Peter Peacock: I am making it very clear that we do not recognise any 60 per cent rule. I understand its origin, but there has been a misunderstanding and misinterpretation of what the Accounts Commission means.

The Accounts Commission is perfectly at liberty to report on the facts of occupancy, as is HMIE. However, it is for elected local authority councillors—individually and collectively—to make political judgments about schools that might be considered for closure, or about changes in boundaries, or whatever. Nobody can absolve councillors of those responsibilities. We cannot blame the Accounts Commission or HMIE; councillors must take the responsibility themselves.

However, I want to be absolutely explicit. We do not recognise any cut-off point or any automatic rule. These are matters of local political discretion.

Regional Cultural Events

6. Mrs Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what plans it has to support the development of regional cultural events. (S2O-10724)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): EventScotland uses its regional events programme to support the development of cultural and sporting events throughout Scotland. It devotes £500,000 per annum for the purpose, which is disbursed through two competitive application rounds every year. Applicants such as events organisers can apply for between £2,000 and £25,000 as appropriate.

Mrs Milne: I know that the Executive recognises the value of cultural tourism to Scotland and that the minister has personal experience of the Aberdeen international youth festival, in which I declare an interest as a trustee. Is the minister aware that the AIYF has exciting development plans and does she agree that, with the support of national tourism and cultural agencies, the event could be the focus for the promotion of Scotland as a centre for youthful creativity and artistic innovation?

Patricia Ferguson: My experience of the festival indicates that it is already carrying out that role well. We wish to see such work increase and evolve as time goes on.

One of the strengths of EventScotland's regional programme is that, although it does not provide core funding to events that take place around the country, it will assist with the development of projects year on year if there is a reason to fund them in successive years. I am sure that the Aberdeen international youth festival will make its case to the appropriate bodies and I look forward to seeing the outcome of that approach.

Presiding Officer's Ruling

14:56

The Deputy Presiding Officer (Trish Godman): This morning Christine Grahame raised as a point of order her concern about members not being present for closing speeches. Six members who took part in the debate this morning were not present for the closing speeches and only one of them had sought the permission of the Presiding Officer to be absent.

I have consulted the other Presiding Officers on the matter and although this morning's example was extreme, the Presiding Officers have discussed and become increasingly aware of the issue. We agree that members who contribute to debates should not then leave before the closing speeches. Doing so is a discourtesy to the members who are summing up and a disservice to the Parliament. I am also aware that the members I wish to address are not here—they are not due to be here anyway at this point—so I will write to them. We are aware of what happened this morning and hope that it will not happen again.

Motions, Decisions and Parliamentary Time

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on first, motion S2M-4870, in the name of Donald Gorrie, on behalf of the Procedures Committee, on its fourth report in 2006, on motions and decisions and secondly, on the committee's fifth report in 2006, which is a consultation report on parliamentary time.

14:57

Donald Gorrie (Central Scotland) (LD): I have two tasks. One is to move a motion to alter the standing orders on some relatively minor issues and the other is to introduce the debate on the wider issue of the use of parliamentary time.

I will deal rapidly with the report on motions and decisions. The Procedures Committee has agreed that we should recommend to Parliament that certain ways of doing things that have been followed by custom hitherto should now be enshrined in the standing orders in case any future management of the Parliament should be naughty and not stick to sensible customs.

We have indicated that the Presiding Officer should have the power to decide what motions and amendments are admissible. Where there are a number of amendments, he should also be able to decide which amendment pre-empts another amendment. That happens regularly at the moment, but we want to provide for it in the standing orders.

We also say that, after six weeks, the Parliamentary Bureau may remove a member's motion from the list if it is not up for debate and has received no more support. The bureau may remove such motions, but it does not have to. We thought that it was reasonable to allow the bureau to remove motions, rather than having the list cluttered up with lots of old amendments. We have affirmed the right of the mover of an amendment or motion to withdraw it and we have clarified what we mean by decisions being taken by a majority. I need not bore members with it, as the definition got very technical, but our proposal is sensible. Those are the changes to the standing orders.

The bigger picture is the use of parliamentary time. In the previous session, under the able leadership of Murray Tosh, the Deputy Presiding Officer, the Procedures Committee struggled with improving our procedures and left a large set of recommendations. In this session, the committee, first under Iain Smith and then under me, has gone into that thoroughly. We have consulted both in person and in other ways, for example by

having round-table discussions and writing to members.

We have concentrated on certain points on which there seems to be sufficient support to make it worth while to consider possible changes. However, anyone today is welcome to raise any issue that is in any way relevant. We will certainly take on board and consider any suggestions.

Brian Adam (Aberdeen North) (SNP): I am delighted to accept Donald Gorrie's invitation to raise an issue that has concerned me since the beginning of the Parliament. Amendments to motions, particularly for debate in the chamber, strike me as not being proper amendments. We end up debating a series of different motions; rarely are they proper amendments. Has the committee ever considered whether amendments that are basically new motions should be accepted for debate and whether only genuine amendments should be allowed?

Donald Gorrie: That is a good point. We may have discussed it a bit, but we have not concentrated on it. The feeling has been that a number of relevant issues are political rather than procedural decisions and that it is up to the parties to sort them out. However, Brian Adam makes a sensible point, which I will ensure the committee examines at its next meeting.

In our consultation, we could find no appetite for major changes to the parliamentary week. Various suggestions were put forward, but none gained great support. I hope that if we were wrong and there is great support for a certain change, members will either write to us or say so this afternoon. We have concentrated on better use of our time.

The most obvious dissatisfaction with the present system is the treatment of stage 3—both the debate and the lead-up to it. In our report, we have made a number of propositions. First, we have proposed requiring amendments to be lodged further in advance of stage 3 in order to give a longer time for their consideration. That would have the advantage, among other things, of allowing a better estimate of how long a stage 3 debate would take. It would perhaps also allow more time for discussion of and negotiation on the wording of an amendment in the period between its lodging and the debate.

I have discussed last-minute amendments—whether we call them manuscript amendments or whatever—with the Presiding Officer. He thinks that we can set out rules governing them, and he discourages them as much as he can. We can perhaps strengthen the rules on late amendments.

Through pressure from the Procedures Committee and others, we have made some progress in giving longer time for important stage

3 debates, but we still have further to go. We have suggested that having a full day for debating important bills to which significant amendments have been lodged should be the norm, although a debate could go into a second day if that was necessary.

We have drawn attention to an existing rule that is not currently used. At stage 3, the debate on the amendments and the debate on the motion can be held on separate occasions. For example, a whole day could be set aside for debating stage 3 amendments and an hour and a half could be set aside for the debate on the motion. That would give members another opportunity to consider whether they have got all the amendments right.

The fear that we will be lampooned in the press as being idle and incompetent if business ends early has discouraged the setting aside of adequate time for stage 3 debates. There is a fear that the press could say that we cannot even use the time that we have for debates. However, that is a mistaken fear. It is much better to have a system in which debates sometimes end an hour early than to have a system in which debates that should last two or three hours longer do not because not enough time has been allocated for them. We must have enough time for debates; overestimating the time that we need for them is no big deal.

Most of the committee's efforts were concentrated on issues relating to stage 3, but we have made other useful little proposals that will strengthen the position of members and how we work. We have suggested that when stage 2 consideration of a bill has finished, the convener of the relevant committee should be given perhaps 15 minutes in the chamber to talk about the state of play on the bill. They could discuss the amendments that have been agreed to, the amendments that have not been agreed to and the major issues that are still being considered, so that members who are not members of the committee that is dealing with the bill can get a steer on things and find out whether the subject is of great interest to them. They might then take more interest in the bill. Currently, we fail to get non-members of committees that are dealing with bills to take enough interest in stage 3 debates—I am as guilty as everyone else in that respect. We all work so hard in our own committees and on our own subjects that we do not pay enough attention to bills that are being considered elsewhere.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Donald Gorrie: I have gone past the time that I have been allotted.

The Deputy Presiding Officer (Murray Tosh): I will allow an intervention, as there can be a little flexibility in the debate.

Mike Rumbles: Did the Procedures Committee consider suggesting a change to the standing orders? Would a change to the standing orders be required to allow what has been suggested to happen? How can we implement such a change? I have supported all along the suggestion that has been made, which is very good, but it might be lost after this debate.

Donald Gorrie: To which particular change is the member referring?

Mike Rumbles: I was referring to the change that the member has just mentioned—having a report to the chamber after stage 2.

Donald Gorrie: I think that the suggested change could happen without the standing orders being changed, but we have suggested that the procedure should be a custom and should be offered to committee conveners as an opportunity.

We have suggested that ministerial statements should be made available to all members perhaps half an hour before they are given so that all members can read them and then ask slightly more intelligent questions than they can currently ask. We have to ask questions just after such statements have been read to us. Occasionally, questions on statements have been separate from debates on them, which could perhaps take place later or the next day. Such an approach would provide an opportunity for more intelligent questioning and debating.

We have suggested that there should be a longer timescale for lodging motions and amendments for ordinary Executive or Opposition debates—I am not talking about debates on bills. A motion could be lodged on the Tuesday of the previous week and amendments could be lodged on the Thursday. Members would then have some idea of what they were going to debate. For example, I did not know until this morning the wording of an amendment in support of which I was meant to make an impassioned speech. We need a longer timescale for ordinary debates. That could be achieved without a change to standing orders, and we should give the bureau a serious push in that direction.

We also suggest that we could be more flexible about members' business debates. Especially at times when more parliamentary time is available, such as soon after an election, one or more members' business debates could be inserted into the ordinary morning or afternoon sessions.

Finally, we suggest something that will enlarge members' vocabulary: interpellations. These are a continental European invention that works in many

European Parliaments. They are a vehicle through which back benchers can raise an issue in a question-and-answer format with the minister over a longer period than is allowed for questions at the moment. Other members can also join the debate on the back of that and, if the matter is considered important enough, the member can lodge a motion to be debated—again, in ordinary parliamentary time—and voted on. That is very different from what happens in our system. We have members' business debates in which all that happens is that the minister replies nicely to the member who has lodged the motion, pats them on the head and tells them to go away. If we had the power to force an issue to a vote, that would concentrate ministers' minds considerably.

The Deputy Presiding Officer: Mr Gorrie, you threw me off guard by saying "finally" some time ago.

Donald Gorrie: I am sorry. I was concentrating on getting the description of interpellations correct.

I hope that members will have some radical ideas. We have put forward some quite modest ideas that have received a lot of support within the committee. We look forward to hearing other members' views today and also encourage members to write to us with their views.

I move,

That the Parliament notes the Procedures Committee's 4th Report 2006, (Session 2), *Motions and decisions* (SP Paper 589) and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 6 October 2006.

15:12

Alasdair Morgan (South of Scotland) (SNP): I thank the Lord Advocate for getting us out of any time problems that we might have had this afternoon. The Scottish National Party has no problem with the changes to standing orders that are proposed in the Procedures Committee's fourth report of 2006. For the rest of my speech, I will speak very much for myself in anything that I say about the suggestions in the committee's fifth report of 2006. I put out a call for SNP members who were interested in the subject to come along to the debate—members can see the results all around me.

It is proposed that stage 3 amendments should be lodged earlier in order to allow the Parliamentary Bureau to schedule more accurately the time that is to be allowed for debate. It is also proposed that the bureau should generally allow more time for stage 3 debates. I suspect that an earlier cut-off time for the lodging of amendments would be helpful, provided that the same amount of time elapsed between the end of stage 2 and the end time for lodging stage 3 amendments. I

cannot see how that would give the Government any problems, as it would be assured of an end time for its bills. The only occasion on which it might cause a problem would be at the very end of a four-year session. However, skilful timetabling would get the Government out of that one.

An earlier deadline for lodging amendments would allow more time for briefing and consultation on them. Often, stage 3 amendments have not been consulted on and the various interest groups outside the Parliament have not had time to think through what can sometimes be quite complex and far-reaching amendments. Anything that would give us more time to consider stage 3 amendments before we voted on them would be good and would also allow time for better scheduling by the bureau so that we would not get into a situation in which amendments are not debated or in which members who want to participate in the debate on the amendments are not allowed to have their say. Although, to be fair, I recognise that it does not happen frequently at stage 3, we must not get into a situation in which debate is effectively stifled in an important stage 3 discussion. The 30 minutes' extension that is currently allowed under the standing orders is not satisfactory. The time by which the deadlines may be extended needs to be longer. We also need to allow ourselves more scope to have better timetabling.

I am not attracted in general to the proposal that we should schedule more stage 3 debates on a separate day from the stage 3 consideration of amendments. The minus side is that many members might see the debate on the motion to pass the bill as totally inconsequential and, quite frankly, I believe that if we make it a separate item of business, it will receive a fairly poor turnout.

Such an approach is not even necessary if amendments need to be corrected. If the member in charge, who is usually the minister, realises that something has gone badly wrong during the stage 3 consideration of amendments, he can, under standing orders, propose a motion without notice to put the process on hold and have the debate on the motion to pass the bill later. In any case, I think that the matter should be left to the bureau. At the moment, if it thinks that the stage 3 consideration of amendments will go on so long that it is not sensible to have the stage 3 debate on the same day, it can move the debate to another day.

Having the convener to the committee that considered a bill at stage 2 make a report to Parliament after that stage has ended is a good idea. It might certainly attract to the stage 3 debate more members who know what is happening. However, I do not believe that we need an oral statement on the matter. I might be wrong, but I cannot help but wonder whether such a statement

would be an exciting parliamentary occasion. Instead, we could have a written statement setting out details of the debates that were had and the decisions that were taken at stage 2 that anyone who was interested could pick up from the document supply centre.

On the suggestion that the embargoed text of a statement should be made available to all members 30 or so minutes before the statement is made to Parliament, I do not know whether that will put impossible pressure on the Minister for Parliamentary Business. After all, at the moment, front-bench spokesmen—never mind all members—can have problems getting statements 30 minutes before they are made. Such a move would make leaks almost endemic and would indeed make it impossible to trace the person responsible. I acknowledge that front benchers need to know a bit more about the substance of a statement because they have the opportunity to ask longer and more detailed questions. However, it is surely not beyond the wit of any parliamentarian worth his or her salt to ask a short, simple question after a statement to elicit a short, simple response. Perhaps it is because we all think that we need to ask questions that are not short or simple that we think that we need to get the statement earlier.

I am not really sure whether debates on statements should be the norm. After all, the Government and the Opposition have their own time that can be used if either feels it important to have a debate on a particular issue. I know that all members tend to wonder why a debate on a subject could not have been longer, but the truth is that all of us have the ability to schedule time for such debates. Indeed, the proposed interpellation procedure could fill that particular gap without having to introduce longer statements.

On other recommendations that have been made, I think that one of the risks of bringing forward the time for lodging motions and amendments is that they might lose some immediacy. For example, Opposition parties might want to lodge a motion of immediate importance instead of having to lodge something that they had had to think about 10 days earlier.

On the suggestion that members' business be held at optional times to prevent poor attendances, experience suggests that the attendance at different events will not change simply by changing the time. We should let the current situation well alone.

Finally, without having had the benefit of seeing how the interpellation procedure has worked in the other countries that the Procedures Committee has visited—in that respect I have made a mental note to apply to that committee in future—I find it difficult to understand how the procedure will work

here. However, it has some attractions and I certainly think that we should give it an experimental go.

The Deputy Presiding Officer: I call Alex Johnstone.

15:19

Alex Johnstone (North East Scotland) (Con): I request the Presiding Officer's indulgence to speak from a sitting position.

The Deputy Presiding Officer: Absolutely. I understand the circumstances.

Alex Johnstone: Thank you very much, Presiding Officer. I should explain to other members that I mean no discourtesy. In the past half-hour, I have aggravated a back problem and, as a result, I will remain seated.

The Procedures Committee has produced the two reports that the Parliament is considering today. I will touch briefly on the report on motions and decisions. It was the view of all committee members that we were simply putting down in standing orders what had become the normal practice of the Parliament, and we wanted to ensure that that was properly understood and included in the standing orders. If any member has a differing view, I would be delighted to hear about that, but I suspect that there is little in the report that is controversial.

Neither, I suppose, is there much that is controversial in the other report that we are debating today—the consultation report on parliamentary time. The idea of publishing a consultation report is primarily to encourage as many people in the Parliament as possible to give us their views on issues to do with parliamentary time, because one of the greatest challenges that the committee faced was to ensure that anyone who might have had an opinion brought it forward so that we could include it for consideration.

There may be some members who take the view that our report is not particularly daring in its presentation of possible alternatives. Had we decided to publish the report two or four weeks earlier, it would have seemed like a much bigger body of work and some of its suggestions might have seemed more radical. However, some of the more radical suggestions fell by the wayside because we realised that there was no support for such changes. Suggestions for open-ended parliamentary sittings, for regular sittings on more days in the week, and for not having a specified decision time, so that we could debate into the night on the good old-fashioned Westminster model, were all discussed and all passed from our discussions without our feeling the need to include them in our report. The truth is that the appetite for

change in that area does not exist and, unless somebody speaks during the debate to encourage us to think differently, that is likely to continue to be the case.

However, there were one or two areas in which we felt that it was essential for us to make suggestions for change and to attempt to get the views of more members—particularly on the way in which stage 3 consideration has been conducted. Stage 3, if it is properly organised and if it runs to the timetabling motion, can run smoothly, leaving us all with the impression that everything has worked well, but there have, on occasion, been significant difficulties.

There are those who are opposed to the notion of timetabling motions entirely. Having been a member of the Parliamentary Bureau for two years, I realise that there is no malice involved in parliamentary timetabling motions for stage 3. Stage 3 consideration must be timetabled to ensure that we can stick to the proper parliamentary schedule. However, when that timetabling appears to be inappropriate—and we often discover that only at the last minute—it can seem as if someone is trying to stifle debate. It has never been my experience that any business manager has tried to stifle debate on any subject, but it can be embarrassing when important motions and amendments are discussed only by a handful of members when many want to speak or, even worse, not discussed at all before a vote.

For that reason, the one area in which flexibility is essential is in allowing time to ensure that amendments are properly discussed at stage 3. We have come close to making poor law at stage 3 of some bills before now, and we now have the opportunity to make changes so that that does not happen in future.

Mr Bruce McFee (West of Scotland) (SNP): I entirely agree that we should have a mechanism that enables us to hear all amendments being debated at stage 3. Many of us have been present when that has not been possible. Could Mr Johnstone tell us exactly which proposal in the report he supported that would have allowed that to happen? For example, did he support increasing the time by which timetabling deadlines can be extended from 30 minutes to 60 minutes? It would be useful to hear about that, because once we are involved in stage 3 of a bill, there is no prospect of rescheduling the debate into the next day.

Alex Johnstone: The idea of the Presiding Officer having the power to extend for up to 60 minutes, rather than the 30-minute leeway that exists at present, may serve the function of allowing that extra time. The flexibility that the Presiding Officer can use has been effective in

some cases. That may be the solution to the problem.

“Interpellation” is an appalling word, which could have been designed by a European committee. However, when we took the trouble to look at activities in other European Parliaments, we were surprised to discover that a system that is often described as interpellation existed in most if not all of the parliaments that we observed. It is for that reason that we suggested trialling the procedure.

The most similar procedure to interpellation that we have in the Scottish Parliament is the option that the Presiding Officers have at question time to allow a number of supplementaries to the original question. The interpellation procedure reflects that type of activity. Members could apply for an interpellation to be timetabled and during the time that is allocated for that they and other members could explore an issue in greater detail with a minister.

It would be valuable for us to trial the procedure in order to fine-tune it for our circumstances. I urge members—especially those who are not members of the Procedures Committee—to take the opportunity of the debate to make known their views on the issue.

15:26

Iain Smith (North East Fife) (LD): As a member of the Procedures Committee past conveners club, I am pleased to participate in the debate.

First, I will address a couple of issues that relate to the proposals for changes to the standing orders. By and large, the proposals on motions and decisions are sensible and should be welcomed. I disagree slightly with one issue, which is that of questions that are subject to an absolute majority. If a question on a motion is subject to absolute majority, I suggest that the vote should always be recorded. In particular, I note the proposed change to standing order 3.5.2, which relates to the removal from office of the Presiding Officer or Deputy Presiding Officer. Surely we should record the vote on such a question, irrespective of whether all members agree. Obviously, it is unlikely that such a vote would ever happen but, if it were to be held, the chamber should be required to vote on the question and not simply to pass it because no one says no.

It is important that we get the proposals on pre-emption right. We sometimes say that one amendment pre-empted another when, in fact, the amendments are alternatives and they may all be acceptable. Let us say that I am allergic to nuts and have to vote on the motion “I prefer pistachio ice cream”. Two amendments may have been

lodged: “I prefer strawberry ice cream” and “I prefer chocolate ice cream”. Because I am allergic to nuts, I would be happy to vote for either of the two amendments, although my preference would be to vote for chocolate. I might want to vote for the amendment “I prefer strawberry ice cream” in order to get pistachio off the agenda, but if it is agreed to—[*Interruption.*]

Christine Grahame: I have lost the pistachio thread.

The Deputy Presiding Officer: Order.

Iain Smith: Ultimately, I would want to go for the amendment “I prefer chocolate ice cream” because chocolate is my preferred flavour. Amendments to a motion are sometimes listed as pre-emptions when, in fact, they are alternatives. We should be careful when we consider the issue, although it may be more for the Presiding Officers than for the Procedures Committee.

The debate on the parliamentary timetable commenced when I was the convener of the Procedures Committee. The committee agreed to hold the inquiry and drew up a remit. However, the inquiry took place after I was shunted sideways to another committee and I am slightly disappointed that the committee did not take a more radical look at the parliamentary timetable. I agree with some of the proposals and options that are contained in the report, but there are others about which I am less certain. The parliamentary timetable raises certain issues, in terms of not only the parliamentary week but the parliamentary year and the four-year session. The work is balanced across the parliamentary timetable, but not in a logical way.

In the first few months of a parliamentary session, it is inevitable that there is very little legislation for members to consider. It takes time for bills to come forward, to go through their initial committee consideration at stage 1 and so on.

In the last five months of this session, after we return from the October recess, we will deal with 16 Executive bills—eight will be at stage 1 and eight will be at stage 2 or heading into stage 3. We will also have 12 members’ bills, only one of which has gone beyond stage 1 and eight of which were lodged in the past week or so before the 30 September deadline. In a four-year session, I wonder why it takes members so long to lodge their members’ bills. Three private bills are also still being considered.

Even if the members’ bills do not go beyond stage 1, 40 parliamentary slots will be required to deal with all the stages of the bills, and only 66 slots are left in the timetable. That has resulted in our having to create an extra slot when we return from the recess, on Wednesday 25 October with a 9 o’clock start—I will not raise again the question

whether it is appropriate for a debate on the early years to be the first debate to start at 9 o’clock.

The Minister for Parliamentary Business (Ms Margaret Curran): We have worked hard to address that issue. I will respond to that point later.

Iain Smith: I know that ministers have tried to address the issue and I am grateful for the efforts that are being made to solve it.

It is inevitable that we need to consider the balance. In the first few months of a session, or even in the first part of a parliamentary year—legislation tends to pile up towards the end of a year—perhaps committees need more time to meet and the chamber needs a little less time, given that we have what are often thought of as pointless debates. In later parts of the parliamentary year and session, we can allow the Parliament more time to meet, so that it can give more time to stage 3 debates. That might be possible in the next few months.

We need to consider the legislative burden overall. We are here to legislate, but perhaps we legislate too much. Whichever parties form the next Executive—I am sure that the Liberal Democrats will bid to be part of that and to lead the next Administration—they will need to consider the legislative burden on the Parliament.

One task that the Parliament is meant to undertake is holding people to account and scrutinising them. The committees have a role in that, but the legislative burden often means that they cannot do all that they should do. For example, the Parliament has conducted little post-legislative scrutiny and we need to do more of it. We need to examine whether the legislation that we have passed is effective. Committees need more time to conduct inquiries of their own choosing and to hold ministers to account at regular sessions. It is sad to say that Westminster does that better than us—committees there call ministers to give a state of the nation address on their departments and hold them to account with questions.

Business motions need to be re-examined, because notice of business in the Parliament is not as good as it could be. We should have a firm business programme for at least two weeks and perhaps indicative business for a week or two weeks after that. That applies to Opposition parties, too. It is a disgrace that we do not know when we leave at the end of a week the Opposition business for debate on the next Thursday. Opposition parties need to play that game. Motions should be in the *Business Bulletin* by the Friday in the week before they are to be debated and amendments to those motions should be in the *Business Bulletin* at least a full day

before the debate, to allow time for the public as well as members to know what the Parliament will debate.

15:33

Ms Wendy Alexander (Paisley North) (Lab): I am a not infrequent speaker in the chamber, but this is the first time that I have spoken in a procedures debate. I was prompted to do so because I thought that the Procedures Committee produced an excellent report on the use of parliamentary time. I will make one contribution to the committee's final deliberations, which lie ahead.

I start with a brief backwards glance. Members will know that next week marks the sixth anniversary of Donald Dewar's death. We will recall with affection that this is the sort of arcane procedural debate that he would have positively relished. He would have had a bracing joust with veteran parliamentarians such as Donald Gorrie and Margo MacDonald, who have been members of the Parliament and the House of Commons. I want to hold on to that thought, because the question is whether we have produced a set of procedures that works to help to modernise Scottish democracy.

The challenge was to create a modern, accessible and above all effective Parliament. Members will recall the sceptics who said that we could never make a unicameral Parliament work in a country with a millennium-long history of bicameral Parliaments and those who said that powerful committees stewarding stage 2 could never provide the rigour of a full parliamentary chamber debate. There was also the fear that the legislative boundary between Westminster and Holyrood would prove to be so fuzzy and opaque that effective lawmaking would be all but paralysed. Of course, each of those propositions has been proved to be untrue—straw men from cynics who are best forgotten.

Margo MacDonald (Lothians) (Ind): I am not a straw man, although I confess to having had some concerns that the checks and balances in a unicameral Parliament would have been adversely affected in comparison with what Westminster has. I am partially won over, but we should not pat ourselves on the back too much because the only thing that we have got completely right is the accessibility. We can claim that the Parliament is genuinely accessible, but is it as effective as it might be?

Ms Alexander: I take Margo MacDonald's point, and I record the fact that I do not think that she could ever be described as a straw woman either.

Today's Procedures Committee has given us a report with a sophistication that is reminiscent of

that of the constitutional steering group. We have before us nine proposals, all of which have merit and which, almost without exception, would strengthen the hand of the legislature vis-à-vis the Executive. That should be welcomed and it moves in the direction that Margo MacDonald hinted at. That is greatly to the committee's credit. The proposals would strengthen the hand of the chamber and improve the quality of legislation.

Of course, there is always a but. Would we also be improving the quality of deliberation in the chamber? Of the nine proposals that are before us, none would decrease parliamentary time and five suggest that we should spend more time in the chamber. Implicit in the report is a debate about whether the only way in which we can improve the quality of legislation is by expanding the time that is available in the chamber for deliberation. The committee must readdress that in its subsequent deliberations.

If members look around, they will see that almost one in 10 of the parliamentary membership is present. Yesterday, I sat here during the Environment and Rural Development Committee's debate for which fewer than 20 members were present, even for the opening speeches. That does not reflect well on us collectively.

If we are to address the quality of deliberation, we do not want to get into a sterile argument between the Executive and the Opposition parties with each defending its existing territory. My point is that we need to reconsider the committee debates. They should be better attended, but the truth is that members are voting with their feet. We devote to committee debates double the time that we offer to the Scottish National Party, three times the time that we offer to the Conservatives, and six times the time that we offer to the Greens. Committee debates in the chamber are the least dramatic of parliamentary occasions; often they are held months after the original work in the committee and they do not work in the chamber.

We spend our time urging every other public sector body in Scotland to improve its efficiency; perish the thought that we should exempt ourselves. Perhaps we need to think about how we make our time in the chamber of the highest quality. We should take committee business back to the committees so that they can shine with all the attention that they deserve on the day of report publication and not leave us with the hangover of some dog-day debate in an empty chamber months later. If we do that, we will better serve Scotland's democracy and raise the quality of legislation, the issue that is addressed by the report and the quality of deliberation in the chamber.

15:39

Christine Grahame (South of Scotland) (SNP): I thank Wendy Alexander for a thoughtful speech. For me, this is not a party-political issue. Many of us have been here for seven years and I still have concerns about several things that happen in the chamber, not just about the quality of legislation, although I will come to that, but about accountability to and robustness for members.

The committee's report is excellent. I am interested in more radical issues that could have been brought out, but perhaps we will discuss those another time.

I will take it a stage at a time, starting with stage 2 amendments. We all know that substantial amendments can be lodged at stage 2 on which the committee cannot take evidence. That is a huge concern. If the amendments are then incorporated in the bill—

Karen Gillon (Clydesdale) (Lab): Will the member take an intervention?

Christine Grahame: I am sorry; my point about stage 2 should have been that although we accept written submissions, we cannot accept oral evidence from witnesses at that stage.

Karen Gillon: My understanding is that the committee can take evidence on whatever it wants at whatever point it likes. There have been occasions on which a committee has had to go back and take evidence if a substantial new issue has arisen. If that measure has not been as widely used as it could have been, we could reflect that to the Conveners Group.

Christine Grahame: I stand corrected, but my point is that I have never seen a committee stopped in its tracks to take evidence on a substantial stage 2 amendment. That has not happened in committees that I have sat on, so I would say that the measure has not been used.

An even worse example can happen at stage 3 when there is no opportunity in our constricted timetable to take evidence when substantial amendments are debated. The huge issue for this place is that that means the end of the matter. We are unicameral, the end chamber; that is it—we are left with the legislation. In the context of Iain Smith's points with which I agreed, we have not even had an opportunity for post-legislative scrutiny. Chickens might come home to roost in due course as a result. We must consider the question of the Parliament's status.

I accept that it would not work to leave the debate to pass the motion at the end of stage 3 procedure until another date when the heat has gone out of the matter. However, there is no doubt that the curtailed debates at the end of the stage 3

procedure are just a gesture. Points that are made by members during the debate, responses from ministers and the final vote might form the basis of judicial decisions on interpretation of the law. The act contains just the words on the page, so judges and sheriffs will look to the stage 3 debate for ministerial responses, the purpose behind them and the vote that was cast and say, "That was the edge that was put on the debate; that was the subtlety that made the bill go through." We have to take care at that stage.

My opinion digresses from Alasdair Morgan's on the matter of ministerial statements, which can be a farce. Last week, the report on the right to buy was published and we had the minister's statement. I know that the minister was prepared at first to release the report earlier in the day, but established protocols meant that the report and statement were available only in the chamber. It is pretty ridiculous for those of us whose speeches followed the statement to try to ask substantive questions of the minister—questions, not tripwires—when we had just received the report and the statement. I would like that practice to be addressed.

The solution might be in the strange procedure of interpellation; I knew nothing about that procedure until today when I read about it in an annex to the report. Running a trial of the procedure is an interesting proposal. I will tie that in with what I believe is the failure of question time. We have tried question time in all kinds of ways. I remember the early days when it was vibrant and interesting. Perhaps things cannot continue like that, but the question times on specific subjects still do not work. No matter who is in power next year, we need to get to grips with substantial issues and follow them through.

The Presiding Officer and the Deputy Presiding Officers have been very good—

Iain Smith *rose*—

Christine Grahame: I will just finish my point. They have been good at allowing supplementaries, but sometimes we are just beginning to get somewhere—

The Deputy Presiding Officer: One minute.

Christine Grahame: I am prepared to take Iain Smith's intervention.

The Deputy Presiding Officer: You may take the intervention if you can work it into your remaining minute.

Iain Smith: Does the member agree that we need to consider whether committees could do more to question ministers and hold them to account, perhaps by holding regular accountability sessions?

Christine Grahame: I could not agree more with Iain Smith. I will keep within my time, Presiding Officer.

An issue that is not covered in the Procedures Committee's report is the imbalance between legislation—far too many sausages go into the legislative sausage machine—and the ability of committees to conduct inquiries, including short inquiries on issues such as the delivery of free personal care, in which committees have time to hear from ministers on issues. There is hardly a member who is not aware that we do not have the time that we used to have to conduct inquiries. During my time as a member of the Communities Committee we have conducted only one short inquiry. The imbalance is frustrating for members and does not keep committees fresh.

I put those thoughts to members—other ideas might come up. I welcome the debate. It is not an anorak debate; it is important to the vibrancy of the Parliament.

15:45

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I join other members in welcoming the work of the Procedures Committee, but I express more than a degree of frustration that the committee's report contains many issues that have been raised and discussed in the past and on which it is taking too long to make improvements.

I was sad enough to reread the report by the Procedures Committee in the first session of the Parliament into the founding principles of the Scottish Parliament—I will be honest and admit that I reread not the entire report, but its 135 recommendations. The report that we consider today contains strong echoes of that earlier report in its recommendations on parliamentary time. To be fair, some work was taken forward, but a great deal was not, not least because the report was published just before an election, after which a successor committee was established with a new convener. There is a danger that the same thing might happen in this session of the Parliament, so I exhort members who have it in their gift to get on with making practical improvements—and those who will be able to make such improvements in the next session—to do so. For example, we have often considered proposals on stage 3. Indeed, proposals for changes to matters such as members' business debates and advance notice of parliamentary business have been made a number of times.

During the first session of the Parliament, I ventured into the terrain of consideration of the overall amount of available parliamentary time, when the then Procedures Committee conducted

an inquiry into the matter. Perhaps I should not repeat this theory, which a national newspaper dubbed, "the law of the handbags", but it is my experience that no matter how big the handbag, there are always 10 per cent more contents to go in it than there is space for them to fit into. A similar law applies to time in many different ways, including in the Parliament. There is a danger that we constantly consider how to add on time to address issues rather than think how we might make better use of the time that we have.

When we discuss extending meetings of the Parliament, we often hear members say, "Oh, but we said we'd be family friendly and have votes at 5 pm." A rigidity that was never intended is built into such thinking. It is problematic that the concept of a family-friendly Parliament has become equated with having decision time at 5 pm. All members know that ours is not a 9-to-5 job, so it is unfortunate that people got the message that we do a 9-to-5 job because we vote at 5 pm.

Most members who have responsibilities to care for children or others, or a multitude of other demands on their time, would be willing to be flexible about when the Parliament meets if we thought that we would be making the best use of our time while we are here and—this is crucial—if we had the opportunity to plan in advance. During the past couple of days, members have commented on the forthcoming Education Committee debate on the early years. The lack of notice of changes to the shape of the parliamentary week is an issue for people who must organise their lives pretty tightly.

I make a general point, on which I strongly agree with Wendy Alexander—I disagree with her on another point, which I will come to. We must consider the quality of what we do and how our work can be rewarding and fulfilling for members and for people outside the Parliament. I note in passing that a consequence of topics for debate not being available in advance is that people outside the Parliament cannot effectively engage in the debate by issuing briefing notes, lobbying members or inputting information that would make the debate altogether better informed and more worth while for us all.

Although the overall quality of debate could and should be improved, I caution against the adoption of a blanket approach to increasing or decreasing a particular type of business—that is where I part company with Wendy Alexander. There are good and heavily subscribed committee debates and there are less good and less well-subscribed committee debates, just as there are good and heavily subscribed Executive debates and less good and less well-subscribed Executive debates. What is important is that we introduce sufficient

flexibility into the way in which the Parliament is run to enable a proper amount of time to be allocated where it is most needed.

I realise that there are issues to do with how much power we put in the hands of Presiding Officers and bodies such as the Parliamentary Bureau that handle the arrangements that we have in place for planning parliamentary business. I again refer members to some of the comments, recommendations and evidence that appeared in the report by the Procedures Committee's predecessor committee in the first session. I am not being obsequious just because Murray Tosh, who was the convener of that committee, is in the Presiding Officer's chair. Although the world has moved on in some respects, that report contains useful consideration of how flexibility can be introduced so that people are here because they want to be here and are informed and engaged when they are here.

I will finish with some comments that are in a similar vein to those of Iain Smith and Margo MacDonald's intervention on Wendy Alexander. Lest we get too complacent about how effectively our procedures are working, there are some wider, more radical and more difficult issues that we must consider. I will deal first with one of the easier issues—post-legislative scrutiny—on which I agree entirely with Iain Smith. As has been said, there are good examples of cases in which post-legislative scrutiny has been conducted in the Parliament's second session, but there are not nearly enough of them. That is because such work is not embedded in the Parliament's practice to the extent that people seem to agree it ought to be.

The second issue, which is slightly jaggier, is one that the first session's Procedures Committee dipped its toe into. It relates to party management and party control. If we want to achieve spontaneity in debates and to allow members to engage, interact and intervene, we must strike a balance—I stress that word—between effective party management, which is an appropriate and necessary part of the operation of the Parliament, and the provision of opportunities for individuals to engage with the debate that is taking place. It will not always be necessary or appropriate to provide such opportunities, but there are many times when that cannot readily happen at the moment.

For all those reasons, I welcome today's debate and the report that is before us. Procedures matter. We joke about being anoraks when we take part in Procedures Committee debates, but procedures have great relevance to our effectiveness as an institution. It would be sad, if not a tragedy, if an institution that is barely eight years old did not have the capacity to reflect openly and honestly on how it could improve its procedures in the future and on how it could work

better, and be seen to work better, both for its members and—crucially—for the people whom they represent.

15:53

Margo MacDonald (Lothians) (Ind): I thank Donald Gorrie and congratulate his committee on both its reports, which are good reports.

I will pick up where Susan Deacon left off—she asked how we can be spontaneous and flexible. In many respects, better party management is the answer; if we know what the Opposition business is and have enough time to plan ahead, we can decide to be more flexible about what shape the debate will take, who will take part in it and how long it will be.

I am sometimes laughingly referred to as a party manager. I am not, of course, but I sit at the feet of the party managers. I do not blame them; I blame the shadowy people behind the scenes, although we do not have any such people in our grouping—we are all up front. Parliament should take on board the paradox that more flexibility and spontaneity might arise from better management of the business of the Opposition parties. By and large, the Government has to organise its business well in advance—Opposition parties might do the same.

Wendy Alexander talked about the quality of debate influencing the quality of legislation. I suggest that we should do less, better. That is not an original thought, but I do not know why it was jettisoned along with many of the other promises that were made. One reason why our debates are less than satisfactory to a great number of us on the back benches is that we are so constrained by time. We need time to think, but we do not give ourselves that time. If we are honest with ourselves we will accept that we deliver speeches and afterwards, when we read them in the *Official Report*—if we have the nerve—we wish that we had had more time to think about them, because we would have said this, that and the next thing. I have no doubt that the quality of debate could achieve a tremendous peak of excellence, given how clever we all are.

There is an element missing from this debate: it is the people outside Parliament, who are supposedly represented by the whisky-bottle shapes on the chamber walls. More than anything, we should worry about how we are perceived outside, rather than how we are perceived among ourselves. I am concerned about that and—from looking at the press gallery—I see that our words of wisdom will go unreported yet again. None of the mea culpas that we produce are acknowledged, so they are not relayed to the people who elect us—or who may not come out to

elect us to Parliament next time round. As well as examining the parliamentarians' procedures, perhaps the Procedures Committee might seek a rapprochement with the gentlemen of the press. Now that everybody drinks together in the White Heather Club bar, I do not see why we should not discuss how we should fulfil our functions in our democracy, because I do not think that the press are fulfilling theirs properly. That is me out of the papers for the next six months.

In my defence, I will refer to a committee meeting that took place this week. It was an important meeting because the Prostitution (Public Places) (Scotland) Bill was discussed at it. The bill is not the main thrust of Parliament's business, but it is important and people outside Parliament are interested in it. However, there was not a single mention of it in the press apart from in a free sheet, although I do not know how it managed to wander into that—they must have had an incomplete page as it went to print.

Mike Rumbles: In defence of my local regional paper, that meeting was well covered in *The Press and Journal*.

Margo MacDonald: Mea culpa. Good on *The Press and Journal*. Did the article mention that an Aberdeen man spoke?

I welcome the idea of interpellation if it will introduce to Parliament greater accountability, which I would welcome in any guise. We should not even bother trialling it; we should just get on with it. We have reached the stage at which First Minister's question time in particular is farcical. We have a formulaic 20 minutes out of the only 30 minutes that are available for Parliament to call the Executive to account. It is becoming less and less satisfactory and the press have to pick through it for the peccadilloes and small change of our politics. We do ourselves no favours and—to return to my original assertion that we should think about how we are perceived when we consider our procedures—First Minister's question time does us no good whatever. That is no reflection on the First Minister, although it is a reflection on some other folk.

The fact is that one often attends excellent question-and-answer sessions that no one from the press is present to record, although they are the meat of daily politics in which people outside Parliament are interested. The convener of the Procedures Committee should seek some sort of meeting with the press about their coverage.

I have been talking about questions and how we organise business, and I have suggested that we would have more spontaneity and flexibility if we were better organised, but that does not extend to the Presiding Officer. He, too, is constrained by time—which he spends trying to find out before

question time what members' supplementary questions will be. I listen to the answers, and then I decide whether or not to ask a supplementary and what it might be. I will tell members what my supplementary would have been had I been able to get in today—no I will not, because I have run out of time and I do not want to fall out with the Deputy Presiding Officer, too.

The Deputy Presiding Officer: That was sagacious of you, Ms MacDonald. At this point, I will renege on my commitment to Cathie Craigie. I thank her for her note, which said that she could be left out if non-committee members wished to speak. I will allow Alex Johnstone a brief concluding comment, as we are coming to closing speeches.

16:00

Alex Johnstone (North East Scotland) (Con): Thank you, Presiding Officer. I feel guilty at having forced Cathie Craigie out.

This has been a useful debate, and the committee's report was intended to elicit just such comments, which will, I am sure, be very helpful to us. We heard comprehensive speeches from Christine Grahame and Margo MacDonald and—as ever—we heard pertinent and incisive contributions from Wendy Alexander and Susan Deacon. I reassure both of them that, although the eight options that are proposed might appear to include the option of extending parliamentary time, it was the view of a majority of Procedures Committee members that there is enough parliamentary time already, and that it is a question of how we use the time that should concern us.

This has been a useful debate: we can now go back to the committee and follow up our report in a way that will deliver for Parliament.

16:01

Mr Bruce McFee (West of Scotland) (SNP): Iain Smith—among the pistachio, strawberry and chocolate 99s—came up with a line that I very much agree with. He is disappointed that the committee did not take a more radical look at the question of the parliamentary timetable. Wendy Alexander also made some very pertinent points that I could agree with.

However, it was Susan Deacon who hit the nail on the head. One of the first questions that the Procedures Committee discussed was Parliament's family-friendly policy. Susan Deacon was absolutely right: "family-friendly" has been twisted to mean that there is a vote at 5 o'clock every night. That point is fundamental to many of the things that the committee struggled with when

it tried to rearrange the deckchairs. It found that it was rearranging them within a very rigid structure.

I take issue with Alex Johnstone on some of the points that he made—even though he is injured. He told us that there is nothing controversial in the committee's report on parliamentary time.

Alex Johnstone: No—I was talking about the committee's other report.

Mr McFee: Alex Johnstone is right on both counts. He said that the report was not particularly daring, and that is true. He raised the question of stage 3 debates. When I asked him what the solution was to the problem of members being unable to debate amendments, he said that it was to extend the amount of flexibility from 30 minutes to 60 minutes. What a pity he voted that suggestion down when he had the opportunity to include it in the committee's report—he kicked that idea out, so it is not in the report, which is not controversial because that proposal is not included. Alex Johnstone also told us that there was no appetite to change the parliamentary week, but what did he include as options 1A and 1B in the report on parliamentary time but proposals to change the parliamentary week? Some consistency would be useful.

Donald Gorrie told us that the most obvious dissatisfaction is with stage 3. He is right—we heard a lot of evidence on that, with a lot of people expressing dissatisfaction. He also said that he had hoped that committee members might have some radical ideas, but what a pity it is that some radical ideas that could have been proposed in the report on parliamentary time were taken out by those people.

I will name just one or two of them. Option 2A is:

"A clear recommendation to the Bureau to propose, whenever required, substantially longer for Stage 3s".

That is something that the Parliamentary Bureau is expected to do at the moment. It does not always get it right, but it will never always get it right. What is important is to ensure that flexibility exists whenever problems arise, but in this disappointing report—disappointing in this respect—there is absolutely nothing on how to introduce that flexibility.

I will give members examples of areas in which we could have introduced flexibility. Some will agree with my points, some will not. I contend that members should have had these points in the report in front of them so that they could express opinions on them. The first example is relaxation of the Wednesday timetable, with the possibility of exploring whether Wednesday decision time has necessarily to be at 5 pm. We could have explored whether, on occasion—it would not be compulsory—a debate or stage 3 of a bill could be

extended on a motion or, in the case of a debate, on a recommendation from the Presiding Officer. We could have explored the possibility of extending by 30 minutes—we could even have explored the possibility of doing something as radical as extending meetings until 6 o'clock. What happened with the people who say they want radical thinking? They threw that idea out—they did not want it in the report, even for discussion: "Extending from 30 minutes to 60 minutes? Throw it out. It's not to be discussed in the report."

Alasdair Morgan said that debates are frequently stifled. If it happened now, it would not be the first time a wee note was passed to me saying, "Sorry, your contribution isn't required," or "You've only got two minutes."

Michael McMahon (Hamilton North and Bellshill) (Lab): Can we send him a note, please? [*Laughter.*]

Mr McFee: I am glad I did not hear that.

As far as I understand it, members can indicate that they wish a debate to be extended—although I cannot remember it ever being done—thus allowing the Presiding Officer to make a decision. That would mean that members' contributions were not stifled. However, that proposal was thrown out, too.

Proposals on the proportion of debating time that is allocated to the different parties were also thrown out by those who said that they wanted a radical rethink. There have been criticisms of Opposition parties for using their time to have two debates, which leaves little time for back benchers—which is true—and particularly for Executive back benchers. I have heard that moan for quite a while in the Procedures Committee. Sixteen half-days each parliamentary year are allocated to the Opposition, with the rest of the days ending up as Executive time, but when people challenge the idea that the rest of the days should be Executive time, those who say they want to think radically say, "No, we don't want that in the report either. We don't want a radical rethink of how we allocate time in the chamber." We should establish that the time belongs to Parliament and not to the Executive.

There is one very good part of the report, and I commend it to members. It is the part on procedure and interpellation. I do not say that it is yet as it should be—it needs more work—but interpellation, as can be witnessed in other Parliaments, is aimed at holding Governments to account, at allowing more in-depth questioning on different subjects, and at allowing concentrated questions on specific subjects. Interpellation will allow that type of questioning. Themed questions have failed to allow that, and probably always will. It would only be an experiment, but we should give

it a go. I think that members would find that they like the results.

The Deputy Presiding Officer: I call Karen Gillon to close the debate for the Procedures Committee.

16:08

Karen Gillon (Clydesdale) (Lab): When would you like me to conclude my closing remarks?

The Deputy Presiding Officer: You have six minutes and five, four, three, two, one second.

Karen Gillon: Thank you—it will be a short speech from me today. I am sure you will be glad of that.

I thank all members who have contributed to the debate, especially those who are not members of the Procedures Committee. People who sat in on the previous speech will be surprised to learn that Bruce McFee is, in fact, a member of the Procedures Committee. They will be even more surprised if they read the report. After having listened to him, they might think that there were lots of votes during debates in the Procedures Committee, but there was not a single vote. Mr McFee was not there when we concluded the report.

Mr McFee rose—

Karen Gillon: Hang on. I accept that people have legitimate reasons for not being at committees, but that is why Parliament has a process for substitutions.

If there were strong views—among SNP members in particular—I would have hoped that they would have been reflected in the report.

The point of the debate is that we hear from not just members of the Procedures Committee but other members of Parliament. Far too often, Procedures Committee debates are debates among members of the Procedures Committee, just as other committee debates become debates among members of those committees. It is an important change for the Procedures Committee that other members of Parliament believe that our debate is important and have got involved in it. That will help to move the debate on.

Mr McFee: Karen Gillon is correct that I did not make it to the committee meeting in question. However, had I done so I would have been expressing my own views, not the views of the SNP group. Nevertheless, given that the committee was arguing for radical change, it seems strange that I would have had to be there to ensure that it did something about that.

Karen Gillon: It depends what Bruce McFee means by “radical change.” Until I am convinced

that we will not just fill the space that we have with people speaking for as long as they want to, I will not see the need for radical change that moves us into meeting every evening of the week. If people can convince me that we need longer sitting hours because of pressure on parliamentary time, I will be happy to accept that there is a need for such radical change.

Margo MacDonald: I thank Karen Gillon for her generosity in giving way. Does she agree that with better forward planning and business management we could be flexible and identify late sittings a week in advance?

Karen Gillon: That is important.

Susan Deacon made the important point that the family-friendly nature of Parliament is not about the vote at 5 o'clock. However, it is important that people know when they will be able to leave and that they can make arrangements for that.

I am glad to see that so many members have come into the chamber. I welcome the First Minister to the Procedures Committee debate.

There has been universal agreement among the members who have contributed to the debate that interpellation is worthy of further exploration and trialling in this session of Parliament, given that legacy papers, such as the one that we got from the previous Procedures Committee, can sit on a shelf and are not necessarily taken forward by the successor committee. I am not against the more radical changes that others seek, but I think that interpellations are worthy of further discussion.

Although I accept that in some situations the need for notice of motions might preclude a worthwhile emergency issue being debated in anybody's time—Government or Opposition—to say that we cannot give people a week's notice of the motion for debate and amendments to it is simply ridiculous. I am not aware of many situations in which the text of the motion that was announced at 5 o'clock on a Tuesday night could not have been announced at 5 o'clock the week before, because it was the text that everybody was expecting. However, when members do not have the detail of the text, they might not have time to go away, do research and liaise with constituents and agencies. I am sure that we can, when there is an emergency issue to debate, devise procedures whereby the Presiding Officer would have the discretion to allow business to be changed the week before. We should generally have more notice.

I want to pick up on points that Christine Grahame made about ministerial statements. It is incumbent on Parliament to ensure that members have the best possible information so that they can contribute fully to the process. Ministerial statements being made available in advance—

even if only half an hour—would be helpful in allowing members to make positive contributions to debates on statements.

The Procedures Committee has a lot of food for thought. I listened carefully to the point that we should just get on and do it—we need to do that. Those of us who sat through the process of discussing possible changes to the procedures for many months have found the process incredibly long and in some ways tortuous.

I want to pick up on one thing that Iain Smith said: it cannot be beyond the wit of Parliament and its committees to hold ministers to account. If that is becoming a problem and if committees cannot have a one-day-a-year meeting with ministers, there is something wrong with the procedures and we need to sort them out. The Conveners Group should certainly consider that.

There is a lot for us to reflect on, and we will in due course come back to Parliament with a final report on changes to standing orders. I thank members for their contributions to the debate.

Law Officers

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-4924, in the name of the First Minister, on the appointment of law officers. There is one amendment to the motion.

Members should all have received copies of the revised *Business Bulletin* by e-mail, but there are also copies available at the back of the chamber.

16:15

The First Minister (Mr Jack McConnell): Following the decision yesterday of Colin Boyd, the Lord Advocate, to stand down, it falls to me this afternoon to nominate to the Scottish Parliament a new Lord Advocate for Scotland.

Before doing so, I want to pay tribute to Colin Boyd and thank him for his outstanding contribution to Scotland. He helped make devolution happen as Solicitor General for Scotland before 1999, and he has helped to make Scotland a better place during his time as Lord Advocate. The comprehensive reform and modernisation of our criminal justice services has been one of the great achievements of this devolved Government and will be one of Colin Boyd's lasting legacies from his time in Cabinet. I thank him very much. [*Applause.*]

In November 2001, I asked Elish Angiolini—much to her surprise—to be Scotland's Solicitor General. I asked her at that time to implement the change of direction that I wanted as First Minister: I wanted her to work with the Lord Advocate to implement a programme of reform and modernisation and to put unequivocally the interests of victims and witnesses at the centre of our fair and independent system of justice. Five years on, I have no doubt whatever that the appointment of Elish Angiolini as Solicitor General is one of the best decisions that I have made as First Minister of Scotland.

The Scottish prosecution services under her charge are admired and no longer ridiculed. Victims and witnesses increasingly see justice in the system, not delays or chaos. Public confidence is returning, with the majority of cases now heard on time, and there are more police out in the community doing their jobs, rather than wasting time sitting in court waiting for cases to happen—or not happen, as was previously too often the case. The public also see further improvements under way in the prosecution of rape cases and in the development of other specialist skills and courts.

Over her time, the Solicitor General has also contributed successfully to major cases and has

proved to be an able and effective legal adviser both to me and to Cabinet whenever the Lord Advocate has been absent.

In Scotland's Lord Advocate, I want a moderniser—someone who will support and understand the implementation of the Government's policy, but who will also be honest and consistent in the legal advice that they give Cabinet and ministers, even when we do not like it or do not want to hear it. I want someone who will make independent decisions on prosecution with the integrity that the holder of the office has always had to have.

Elish Angiolini was Scotland's first female Solicitor General. She was the first ever regional fiscal to be appointed to the post, and she was the first solicitor to be appointed to it for hundreds of years. She has met every challenge in her job and has increasingly won the confidence of even those who originally held reservations about her appointment. I am delighted therefore to confirm today that I want to continue the reform and modernisation of our courts and justice service, that I want to continue to have an independent but increasingly more effective Scottish prosecution service, and that I want to ensure that the rights and interests of victims and witnesses are at the heart of our justice service. I therefore seek the support of the Scottish Parliament for the nomination of Elish Angiolini as the next Lord Advocate of Scotland, and the first woman to hold the post.

Elish Angiolini worked closely with Colin Boyd. They shared ideas, supported each other and often challenged each other, as any good partnership should. I want to ensure that as Lord Advocate, she too will have a strong and reliable Solicitor General for Scotland by her side. That is why, having consulted her, I propose that John Beckett QC be appointed as Solicitor General. John Beckett is a highly experienced advocate and prosecutor whose energy, skill and commitment have already resulted in his promotion to the position of principal advocate depute, to lead Scotland's most senior prosecutors on a daily basis.

Colin Boyd's decision to stand down yesterday after almost ten years in Government in Scotland was completely understandable to anyone who knew or worked with him. His decision broke up a highly successful team of law officers, but the nominations that are before Parliament will create a partnership that will be at least as strong as that team. Elish Angiolini and John Beckett are as alive to the needs and interests of victims and witnesses as they are alive to the rights of accused people. They share my desire to continue to reform and improve our criminal justice services and are passionate about Scotland. They will

serve Parliament and our country well. I commend their nominations to Parliament.

I move,

That the Parliament agrees that it be recommended to Her Majesty that Elish Angiolini be appointed as the Lord Advocate and that John Beckett QC be appointed as Solicitor General for Scotland.

16:21

Miss Annabel Goldie (West of Scotland) (Con): On behalf of my Conservative colleagues, I, too, pay tribute to Lord Boyd and wish him well for the future. However, the First Minister's motion has presented my party with a genuine dilemma that reflects concerns that I suspect are not confined to the chamber but extend well beyond it.

First, I will speak to the amendment in the name of Bill Aitken, the effect of which would be not to recommend the appointment of Mr John Beckett QC as Solicitor General for Scotland. I want to make it clear that my concerns do not relate to his legal competence or professional experience—they relate to the disclosure that he is a current member of the Labour Party.

I am not alone in thinking that the role of the Solicitor General should be independent of party politics. On 28 November 2001, when Mrs Angiolini was being appointed to the post of Solicitor General, the First Minister, Jack McConnell, said to the Parliament:

"The time is right to have a Solicitor General for Scotland who is not associated with a political party. The time is right to change the perception ... of the job and to focus on modernisation and reform of the prosecution service."—*[Official Report, 28 November 2001; c 4217.]*

If that view was right then—and I think that it was—it is right now, and Mr Beckett does not satisfy the First Minister's criterion.

I will deal briefly with the proposal to appoint Mrs Angiolini as Lord Advocate. My party recognises the need to fill the position of Lord Advocate without delay and will support that nomination, but that support is heavily qualified for two reasons. Mrs Angiolini has, with justification, been highly respected as a solicitor with a background in the Crown Office and Procurator Fiscal Service, and there is absolutely no question as to her professional competence in that role—I associate my party with the First Minister's comments in that respect. However, the Lord Advocate is essentially the chief legal adviser to the Scottish Executive for both civil matters and criminal matters that fall within the devolved powers of the Scottish Parliament. The question that is being asked is whether Mrs Angiolini possesses the breadth of legal experience to provide such advice. It would be appropriate for the First Minister to comment on that.

Secondly, in a devolved Scotland, there must be real concerns about the chief legal adviser to the Scottish Executive also being the chief prosecutor for Scotland. There is a real and visible conflict of interest, which has become more apparent as issues that are driven by political decision making and which affect reform of the court system or activities within the Crown Office have required a robust and independent response from the Scottish Courts Administration or the Crown Office. I suggest to the First Minister that the appointment of Mrs Angiolini should be concurrent with the setting up of a commission to examine and consider what the proper separation of powers, responsibilities and duties should be in appointing a chief legal adviser to the Scottish Executive and the head of an independent prosecution service. I hope that the First Minister will receive what I am saying as neither personalised nor party-political remarks, but as substantive suggestions to take us forward to a more open and healthy situation.

If the amendment in the name of my colleague Bill Aitken is defeated, my party will be confronted with a hybrid motion that does not separate the two nominations. In that event, my party will abstain in the vote.

I move amendment S2M-4924.1, in the name of Bill Aitken, to leave out from "and that" to end.

16:25

Nicola Sturgeon (Glasgow) (SNP): I hope to take part in the debate with slightly more grace than Annabel Goldie has just managed. I wish Colin Boyd every success in the future. We have not always seen eye to eye on issues, but he has served his country in the role of Lord Advocate and I wish him success in whatever he now chooses to do. I also congratulate John Beckett on his nomination as Solicitor General. I do not know him personally, but I am sure that that will change over the next period.

In particular, I congratulate Elish Angiolini on becoming Scotland's first woman Lord Advocate. I agree with the First Minister that her appointment as Solicitor General has been his best decision as First Minister. However, given what I think of some of his other decisions, I am not sure that that is paying her a big compliment. Ms Angiolini has been an effective and successful Solicitor General, so there is no doubt that her nomination as Lord Advocate is made on merit; her appointment as Lord Advocate will be another significant crack in the glass ceiling. For that reason, as well as for all the others, her nomination is most welcome.

This comment in no way reflects my views of Elish Angiolini, but it is important to place on record the fact that my party thinks that the Lord

Advocate should be completely independent of Government. We do not think that one person should be asked simultaneously to be the head of an independent prosecution service and a member of a political Cabinet. In certain circumstances, in sensitive cases, even a perception of a conflict of interests can be damaging, and I think that it would have been better to protect the new Lord Advocate from that from the outset. That is why, in Government next year, the Scottish National Party will separate the two roles.

That comment does not alter the fact that the SNP will support the motion. We wish John Beckett and Elish Angiolini every success in their new roles.

16:27

Mr Jim Wallace (Orkney) (LD): On behalf of the Liberal Democrats, I add some words of appreciation for the work of Colin Boyd who, as Solicitor General and Lord Advocate, served Scotland for the best part of 10 years. For many of those years, I was privileged to work with him in Government and I saw at close hand the way in which he approached his duties with the utmost diligence and integrity. The leadership that he gave the Crown Office and Procurator Fiscal Service during an important period of modernisation and change has already been properly acknowledged by the First Minister. Those of us who were in Government welcomed and appreciated the considered and sage advice that Colin Boyd gave his colleagues.

Although there is a case for us to debate, on a future occasion, a separation of roles, it is important to place on record the robustness with which Colin Boyd, like his predecessors, jealously safeguarded the Lord Advocate's independent prosecutorial role. I find it regrettable that some people, in comments that they have made in the past 24 hours, have given the wrong motives to his resignation. He has said that, having given many years of public service to Scotland, he feels that the time is right to move on. I, for one, understand that feeling.

On behalf of my Liberal Democrat colleagues, I very much welcome the nomination of Elish Angiolini. Her appointment as Solicitor General was an inspired and refreshing choice. Having worked with her, I know that it was also a very successful choice. I congratulate her warmly on her nomination. She possesses the qualities and judgment that are required of the office and, as the first woman—indeed, the first person outside the Faculty of Advocates—to hold the office of Lord Advocate, she will bring her own distinctive and appropriate lustre to that high, historic office.

I also congratulate John Beckett on his nomination. He brings to the position his experience as an advocate depute and, most recently, as principal advocate depute. I note that he was called to the bar 14 years after I was. When I was Minister for Justice, I used to take particular note of the appointment of chief constables who were younger than me. Having seen such Solicitors General as Nicky Fairbairn and Peter Fraser—who, as Annabel Goldie can tell the chamber, were never involved in party politics—I certainly feel the march of time when I see that the new Solicitor General for Scotland is half a generation younger than me.

On behalf of my Liberal Democrat colleagues, I welcome the nominations of Elish Angiolini and John Beckett. We wish them well in their posts and look forward to the contribution that they will make both inside and outside the Parliament to a just 21st century Scotland.

16:30

Scott Barrie (Dunfermline West) (Lab): Let us be clear: the Lord Advocate and the Solicitor General for Scotland play a crucial role in our legal system. Although they have somewhat separate responsibilities, they must work as a team. The First Minister was absolutely right to highlight the good partnership working between the two posts in the past, and we must ensure that that happens in future.

There is no doubt in my mind—and nor should there be any doubt in anyone else's mind—that to date our law officers have carried out their tasks impeccably. I am sure that the whole chamber agrees that Elish Angiolini will make a first-class Lord Advocate, although I was unclear from her caveated response whether Annabel Goldie believes that.

Along with Tavish Scott, I first met Elish Angiolini before she became Solicitor General during the Justice 2 Committee's inquiry into the Crown Office and Procurator Fiscal Service. When we visited her in her role as regional fiscal in Aberdeen, we were struck by the high esteem in which she was held by her colleagues, her staff and other people working in the legal system, and I could not have been more pleased when, a few months later, the First Minister asked her to be our new Solicitor General.

Nicola Sturgeon was absolutely right to point out that Elish Angiolini's appointment as Lord Advocate will represent another crack in the glass ceiling. However, I am disappointed by Annabel Goldie's comment that, in her performance as Solicitor General over the past six years, Elish Angiolini has in some way or other not shown that she possesses the necessary breadth of legal

knowledge to become Lord Advocate. Believing that one should recruit only from some cosy boys' club is really the politics of the 20th century, not the 21st.

As for the nomination of John Beckett QC, he comes to the post of Solicitor General with a great reputation as a formidable prosecutor, and I believe that he will be able to undertake the role asked of him. Indeed, the only thing that the Tories seem to have against him is that he happens to be a member of the Labour Party. At least we now have rules that require people to declare their party affiliation, which is what John Beckett has done. Neither Annabel Goldie's speech nor Bill Aitken's amendment makes it clear why the Tories believe that John Beckett is unfit to take on the position on which we are being asked to vote. Indeed, it is absolutely ridiculous to claim that just because someone happens to be a member of the Labour Party—and, as far as I understand it, a relatively non-active member—they should be ruled out of consideration for a position. We should remember the system that we used to have.

I implore the Tories to reconsider their decision to press their amendment and to abstain on the motion itself. After all, given her past reputation, we have in Elish Angiolini a first-rate law officer, and I am sure that John Beckett will prove to be the same.

16:34

Dennis Canavan (Falkirk West) (Ind): During the process of canonisation, it is customary to have a devil's advocate, whose job is to find out something bad about the candidate. I would like to apply for the job of devil's advocate to the Lord Advocate.

I first came across Elish Angiolini more than 20 years ago at Airdrie sheriff court. It was during the miners' strike, and a very good friend of mine who had been involved in, well, let us just say an altercation on a picket line was hauled before the sheriff. Elish McPhilomy, as she was at the time, was the prosecutor. She was razor sharp in her prosecution—so razor sharp that I was convinced that my good friend was going to end up in Barlinnie. To cut a long story short, she was successful in her prosecution but did not demand the death penalty or even a custodial sentence, and the sheriff let my good friend off with a modest fine. The moral of the story is that justice should always be tempered with mercy—not a bad motto for a Lord Advocate. In that spirit, I congratulate Elish on her nomination and wish her every success in the future.

16:36

Margaret Mitchell (Central Scotland) (Con): I begin by wishing Colin Boyd, the retiring Lord Advocate, well for the future, and by acknowledging his work as Lord Advocate.

I also warmly congratulate Elish Angiolini on her historic nomination as the first woman to hold the office of Lord Advocate. It is an appointment that will provide us with an opportune moment to examine the office that the Lord Advocate holds, in view of the growing concern that the head of the Scottish independent prosecution service is also a member of the Scottish Executive and sits in Cabinet and has collective Cabinet responsibility.

We need, we require and we must preserve a clear separation of powers in a democratic Scotland. It is therefore eminently sensible to approve the proposal outlined by Annabel Goldie today. The appointment of Ms Angiolini should be accompanied by the announcement that a commission will be set up to examine the proper separation of the powers, responsibilities and duties of the chief legal adviser to the Scottish Executive and those of the head of Scotland's independent prosecution service.

Equally important in a devolved Scotland are the terms of the amendment in Bill Aitken's name, which seeks to put into practice the clear intention of the First Minister, widely supported and welcomed in 2001, that the post of Solicitor General for Scotland should not be associated with a political party. Some of the contributions, from members such as Scott Barrie, were really quite unworthy in what is an important political debate.

Karen Gillon (Clydesdale) (Lab): Margaret Mitchell is suggesting that some of the contributions have been unworthy. Will she therefore associate herself with the vast majority of members in the chamber who agree that the comments made by Miss Goldie, who suggested that Ms Angiolini did not possess the necessary breadth of legal experience, were the most unworthy statements made in the chamber today?

Margaret Mitchell: Miss Goldie merely pointed out that the office of Lord Advocate takes in criminal and civil legal advice and that questions would therefore be asked about the ability of the person appointed to fulfil both roles. In a Parliament in which we seek to ensure that our decisions are the very best, those questions should be welcomed. I therefore urge the Parliament to support the amendment in Bill Aitken's name.

16:39

The First Minister: I particularly want to thank Nicola Sturgeon for her contribution and Dennis Canavan for—as ever—a fabulous history lesson.

It has been a pleasure to make these nominations today. However, it is important that I address the issues that were raised in our short debate. I turn first to John Beckett. It is now no secret that he has been a member of the Labour Party for 20 years. I discovered that when I first spoke to him some days ago. It should also be no secret that John Beckett has not attended a party meeting for 19 years. In my book, that makes him a fully paid-up member of the human race—if anything, instead of detracting from his nomination, it commends it.

John Beckett's performance in his work as principal advocate depute and in other previous roles has meant that he has had a considerable overall impact on the work of the Crown Office. His nomination—which, I hope, will be approved by the Parliament—is based entirely on the merits of his contribution to the Solicitor General's post. I hope that his long-standing, quiet and behind-the-scenes membership of a political party will not bar him from the position of Solicitor General. Certainly, that was not the case over the many years when the post was held by members of the House of Commons from all parties. I refer in particular to people who were politically associated with the Conservative party.

Margo MacDonald (Lothians) (Ind): If I recall correctly, the First Minister said that he first spoke to the person who is nominated for the post of Solicitor General a few days ago. That is what concerns many members in the chamber today. I fully accept that the gentleman has the distinguished record that the First Minister outlined, but who advised on his suitability for the post? Most members in the chamber would welcome the chance to know some of the history.

The First Minister: I first met John Beckett in his capacity as principal advocate depute. I found him an extremely engaging, articulate and able holder of that office. It is entirely appropriate for the First Minister to have contact with the senior legal officers in the Crown Office.

As I said earlier, I consulted and was strongly advised by Elish Angiolini, as my nomination for Lord Advocate, in putting forward the nomination for a new Solicitor General. I took proper time and consideration over my deliberations. In lodging the motion, I notified the Parliament at the earliest possible opportunity of my decision. I was able to do that after I had spoken to Mr Beckett at approximately 11 am this morning in my office upstairs.

I turn to the position of the Lord Advocate. For the avoidance of doubt, I want to make it clear that Elish Angiolini was not just one of the top prosecutors in the country but, as I said earlier, the first ever regional fiscal to be appointed as Solicitor General. In addition, for many years before that—I think that it was for a total of nine years—she worked in the policy department of the Crown Office. Indeed, in 1996, she became its head of policy. In that role, she served Lord Advocates who were appointed by the new Labour Government in 1997 and those whom Henry McLeish, Donald Dewar and I appointed following the establishment of the Scottish Parliament. In addition, she gave advice on constitutional and civil matters to the Lord Advocates of the previous Government, including Lord Rodger, Lord Fraser and Lord Mackay of Drumadoon, which adds to her qualifications for the post. That should convince all members that her nomination today deserves their support.

I hope that we will make history today. This is very special, and we should reflect on it. In nominating names to Her Majesty the Queen for the positions of Lord Advocate and Solicitor General for Scotland, we are nominating two extremely able, very committed people who have already served Scotland well and who will continue, I believe, to serve Scotland, the Scottish Parliament and our people well indeed.

The Presiding Officer: The question is, that amendment S2M-4924.1, in the name of Bill Aitken, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)

Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

The Presiding Officer: The result of the division is: For 15, Against 97, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S2M-4924, in the name of the First Minister, on the appointment of law officers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (Sol)

The Presiding Officer: The result of the division is: For 99, Against 0, Abstentions 15. [*Applause.*]

Motion agreed to.

That the Parliament agrees that it be recommended to Her Majesty that Elish Angiolini be appointed as the Lord Advocate and that John Beckett QC be appointed as Solicitor General for Scotland.

Legislative and Regulatory Reform Bill

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-4887, in the name of George Lyon, on legislative consent to the Legislative and Regulatory Reform Bill, which is United Kingdom legislation. I will allow a slight pause for members who are leaving the chamber and remind them that decision time is in 10 minutes' time.

16:48

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): The Legislative and Regulatory Reform Bill was introduced in the House of Commons on 11 January 2006. As originally drafted, the bill mainly concerned matters that are outwith the Parliament's legislative competence. It dealt with regulatory reform orders and inspection and enforcement regimes that do not operate in devolved areas in Scotland.

The bill contains four provisions that are subject to the Scottish Parliament's consent by virtue of the Sewel convention, because they apply to Scotland for devolved purposes. Those clauses are in part 3 of the bill and will streamline how European Community law is implemented in domestic legislation, which will avoid possible delays in the transposition of our European Union obligations.

Members will know that cross-party concern was expressed that the reserved parts of the bill as first published arguably left open the possibility that the Scotland Act 1998 and the devolution settlement could be unpicked by regulatory reform orders. Since its publication, the UK bill has been extensively revised by the House of Commons and the Lords. Those changes and the amendment that was tabled on constitutional matters last Monday mean that, as no part of the 1998 act can be said not to be "of constitutional significance", we are confident that the powers could not in practice be used to amend that act.

As the European and External Relations Committee asked me to do at my appearance there on Tuesday, I have now written to the Cabinet Office, making clear our reasons for ensuring that the matter was put beyond doubt and asking that United Kingdom ministers confirm that position on the public record later this month.

I will take a minute to thank the committee for its patience. Members have been extremely understanding and have allowed us the time to pursue the genuine concerns that they raised at the initial evidence session way back in March

2006. I therefore ask members to follow the recommendation of the report of the European and External Relations Committee and support the motion in my name at decision time tonight.

I move,

That the Parliament agrees that the relevant provisions in the Legislative and Regulatory Reform Bill introduced in the House of Commons on 11 January 2006, that relate to the implementation of European Union obligations and which are within the legislative competence of the Scottish Parliament, or which confer executive powers on the Scottish Ministers, should be considered by the UK Parliament.

16:51

Mark Ballard (Lothians) (Green): At the Parliamentary Bureau, the Scottish Green Party indicated that there must be a debate on the motion. The Westminster bill to which it refers is controversial—it is in flux—and the legislative consent motion raises important constitutional questions.

I welcome all the work done by the European and External Relations Committee. It secured important concessions from the ministers. However, despite this being Westminster legislation, we need to send a clear signal that the bill is fundamentally flawed. It grants far too many powers to ministers to amend, replace or repeal existing legislation. Although improvements have been made, those safeguards still contain far too many loopholes.

I welcome the fact that the minister indicated that an amendment has been tabled, and that he has written to the Cabinet Office. However, we are still being asked to grant legislative consent on the assumption that the House of Lords will accept that amendment on constitutional significance. We do not have a clear definition of constitutional significance and what it amounts to. When the Procedures Committee discussed legislative consent motions, there was strong evidence that we need two stages of consent. First, we would have to consent to the proposal for legislative action at Westminster, and secondly we would have to consent to the bill once all the amendments had been agreed.

This bill is still in flux and is opposed by many at Westminster, including Simon Hughes of Mr Lyon's party, who said that it is

"terrible, bad and wrong, and that it is anti-democratic legislation".—[*Official Report, House of Commons*, 21 March 2006; Vol 444, c 152.]

In this situation, I do not think that it is fair that the Parliament consents to a bill that is still in flux. Without the safeguards discussed by the Procedures Committee, we should not support the motion. I urge other parties to join us in abstaining.

16:53

Gordon Jackson (Glasgow Govan) (Lab): Until about one minute ago, I thought I was off the speakers' list, but I am quite glad that I am not, because Mark Ballard totally misunderstands what is happening here.

Undoubtedly the bill was flawed. None of us on the European and External Relations Committee liked it at all, to put it mildly, and we were not alone in that. I am sure that the Executive would not have thought any differently. Academics wrote in to the newspapers and people said in the House of Lords that the power that Westminster was trying to take through the bill was ridiculous, and it was.

This is a good example of a committee doing its job. We spent a long time on the bill and put as much effort as we could into making sure that the safeguards were there, and they are. Mark Ballard is wrong to suggest that it is still the bill that it used to be, and not just because of the introduction of the phrase "constitutional significance". To be fair, no one in their right mind could argue that the Scotland Act 1998 is not an act of constitutional significance.

The amendments that were made to the bill earlier were more important. We do not have time to go into them now, but they defined very clearly the particular occasions when the power can be used, so it is no longer some open-ended—if I may mix it—carte blanche that is to be given to the Westminster Executive. The sort of thing that the bill might be used to amend in Scotland would be incidental; for example, a change could be made to legislation at Westminster that meant that Scottish legislation had to be renumbered. Such consequential amendment might require sections that were once sections 5, 6 and 7 to become 3, 4 and 5. It is not a fair point to say that the bill is still in a state of flux south of the border. Amendments tabled by the Government in the House of Lords answer almost all the questions that have been raised and change the bill in the way we want. I say bluntly that the committee would not have agreed to the bill if we had felt that there was still the danger to which Mark Ballard refers. I am satisfied that the bill no longer has those dangers and that we should be content to allow it to go ahead.

16:55

Bruce Crawford (Mid Scotland and Fife) (SNP): I thank Gordon Jackson for dealing with some of the more technical aspects of the Legislative and Regulatory Reform Bill and for his explanation in the European and External Relations Committee. The bill as previously drafted was dangerous and undemocratic. I still fail to understand how it ever managed to get to

the stage that it did without considerable fuss from political commentators and places other than the Scottish Parliament. It beggars belief that civil servants thought that they could get away with it. I thank the committee for being instrumental in bringing about significant changes before the most recent change on "constitutional significance", to which Mark Ballard referred. Political commentators discussed that for a long time.

The amended bill came before the European and External Relations Committee on 26 September. The bill that the committee saw that day was much changed. I do not know whether Mark Ballard has had a chance to look at the words of the civil servant in the *Official Report*, who said:

"As the minister said, we take the clear view that anything that would amend the Scotland Act 1998 would be of constitutional significance and would therefore be ultra vires."

He also said:

"Protection is provided by what is now clause 9 of the Westminster bill, which makes it clear that, except for purposes ancillary to the reserved provisions of the bill, an order under part 1 of the bill cannot do anything that would be 'within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.'"—[*Official Report, European and External Relations Committee*, 26 September 2006; c 2075 and 2079.]

This is a significantly changed bill. It went through a robust process in the committee. I hope that what we have here today is not a frivolous attempt by the Greens to have a go at the Liberals. Goodness knows, it is easy enough to have a go at the minister's party. Let us get on with the real business of the Parliament.

16:57

Phil Gallie (South of Scotland) (Con): When the Legislative and Regulatory Reform Bill came before the European and External Relations Committee a few months ago, the minister was under some pressure with respect to its contents. He was asked to deliver a bill that had been explained to the House of Commons in a way that left great dissatisfaction, particularly for the then member of Parliament for Eastwood.

The committee did a great service. I pay particular tribute to Jim Wallace and Gordon Jackson for their knowledge and experience in convincing the minister that there had to be change. If I have any problem with the bill, it is the fact that it will eventually allow for swifter transposition of European obligations, and Britain has a brilliant record of transposing European regulation very quickly. Nonetheless, the bill has been changed. I thank the minister for his efforts and once again I thank my colleagues on the

European and External Relations Committee. The Conservatives will support the motion.

16:59

Mr Jim Wallace (Orkney) (LD): The Legislative and Regulatory Reform Bill that was originally presented to the House of Commons, and which the European and External Relations Committee considered back in March, certainly merited the description that my Westminster colleague Simon Hughes gave it, which Mark Ballard mentioned. When the minister came back before the committee, we were looking at an almost entirely different bill. There are key amendments, some of which Gordon Jackson referred to. First, the purposes of the bill, which will determine the use of the powers by ministers, are far more tightly defined. Secondly, one of the committee's concerns about the original bill was that when enacted it could be used to amend itself. That can no longer happen; there are proper safeguards and the bill can no longer be used to amend itself. Thirdly, as the minister said, the powers will not be able to be used to do anything that is of constitutional significance. The minister said that, in the Executive's view, that would cover the Scotland Act 1998 and I welcome the fact that he has written to Whitehall to ask that a similar reassurance be given by a UK minister.

We thought that the Scotland Act 1998 should perhaps be specified, but we were advised by officials that parts of our devolution settlement, such as the executive powers given to the Scottish ministers in respect of the railways, are not covered by the Scotland Act 1998 but are nevertheless of constitutional significance. Therefore the provision will be wider in scope than it would be if only the Scotland Act 1998 were specified.

I welcome the amendments that have been proposed to the bill and I support the legislative consent motion.

17:00

George Lyon: The difference between Mark Ballard and members of the European and External Relations Committee is that the committee members have compared the bill as it will be with the bill as it was in March 2006. The bill as amended will be unrecognisable from the earlier version; it will have been completely revised and amended.

No order will be able to be made under the legislation unless all six preconditions in clause 3 are satisfied. The most important of those is in the amendment that was tabled recently, which states that the provision must not be "of constitutional significance". The Executive is of the view that

there is no part of the Scotland Act 1998 that can be said not to be of constitutional significance. It should also be remembered that five other preconditions would require to be met before the order was competent. For example, the provision must not remove any necessary protection or prevent any person from continuing to exercise any right of freedom that they might reasonably expect to continue to exercise.

Therefore, we cannot envisage circumstances in which an order that sought to amend the Scotland Act 1998 would meet all the preconditions. An order that failed to meet the preconditions would be incompetent. Amendment of the Scotland Act 1998 by an order would be a practical impossibility. I ask members to support the motion.

Point of Order

17:02

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I apologise for raising this point of order. I have no wish to detract from the appointment of Elish Angiolini. However, I question the procedure whereby members have been presented with two names to approve at the same time. I feel uncomfortable, because I have no reason to suspect that the commendation given by the First Minister is anything other than correct. However, I am unhappy that there was no opportunity for separate scrutiny of the person for each post. I seek the Presiding Officer's guidance on whether that is the required procedure under the standing orders of the Scottish Parliament. If it is, will the Procedures Committee consider the matter and ascertain whether the procedure is sound?

The Presiding Officer (Mr George Reid): You question the procedure, but that is the procedure that we have—it can be done either way. I refer you to rule 4.3, on the appointment of Scottish law officers.

Decision Time

17:03

The Presiding Officer (Mr George Reid): In relation to this morning's debate on Scotland's duty to its senior citizens, if the amendment in Malcolm Chisholm's name is agreed to, the amendments in the names of Christine Grahame, Colin Fox and John Swinburne will fall.

The first question is, that amendment S2M-4901.4, in the name of Malcolm Chisholm, which seeks to amend motion S2M-4901, in the name of Annabel Goldie, on Scotland's duty to its senior citizens, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (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)
 Finnie, Ross (West of Scotland) (LD)
 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, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 63, Against 42, Abstentions 7.

Amendment agreed to.

The Presiding Officer: The amendments in the names of Christine Grahame, Colin Fox and John Swinburne fall.

The second question is, that motion S2M-4901, in the name of Annabel Goldie, on Scotland's duty to its senior citizens, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (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)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (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, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 63, Against 40, Abstentions 11.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the enormous contribution that our senior citizens make to Scottish society; supports action to challenge ageism, widen opportunities for older people and ensure that they are treated with dignity and respect; acknowledges the improvement to older people's quality of life through groundbreaking policies such as free personal and nursing care, free bus travel and the central heating programme, and welcomes the continuing commitment of the Scottish Executive to recognising, valuing and supporting Scotland's older people through the development of its Strategy for a Scotland with an Ageing Population.

The Presiding Officer: The third question is, that motion S2M-4870, in the name of Donald Gorrie, on motions and decisions, be agreed to.

Motion agreed to.

That the Parliament notes the Procedures Committee's 4th Report 2006, (Session 2), *Motions and decisions* (SP Paper 589) and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 6 October 2006.

The Presiding Officer: The fourth question is, that motion S2M-4887, in the name of George Lyon, on legislative consent to the Legislative and Regulatory Reform Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Canavan, Dennis (Falkirk West) (Ind)

Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)

The Presiding Officer: The result of the division is: For 102, Against 5, Abstentions 7.

Motion agreed to.

That the Parliament agrees that the relevant provisions in the Legislative and Regulatory Reform Bill introduced in the House of Commons on 11 January 2006, that relate to the implementation of European Union obligations and which are within the legislative competence of the Scottish Parliament, or which confer executive powers on the Scottish Ministers, should be considered by the UK Parliament.

Knife Crime

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-4708, in the name of Alex Johnstone, on knife crime education. The debate will be concluded without any question being put.

Motion debated,

That the Parliament encourages all efforts to reduce knife crime; notes that educational programmes and courses on the dangers of carrying a knife have been shown to have been successful in the past, and congratulates Mr Mark Davies from Angus on using his experiences as a door supervisor and martial artist to put together a new course which educates our young people on the dangers and possible consequences of carrying a knife.

17:08

Alex Johnstone (North East Scotland) (Con): With the Presiding Officer's indulgence, I will speak from a seated position. The fact that I suffered a recurrence of a bad back just 10 minutes before I came to the chamber this afternoon has reminded me how painful the condition can be, and I thank everyone who has expressed their sympathy over the past couple of hours. The pain of a bad back is over in a few days, but the pain and injury that are caused by knife attacks often take much longer to recover from. Indeed, sometimes the injury is fatal.

I do not usually speak on justice issues in the Parliament, so it is perhaps slightly out of character for me to initiate a debate on knife crime education. However, given that I want to talk about why it should be everyone's responsibility to try to deal with the problems of knife crime, it is appropriate that a new face and a new voice should be raising the issue.

Whether one believes knife crime is a growing problem depends to some extent on one's experience and to a larger extent on where one comes from. I have heard people from the south-west of Scotland—from Glasgow, in particular—say that knife crime is no longer the growing problem that it has been because of successful initiatives to tackle it, but people from other parts of Scotland are beginning to deliver anecdotal evidence that there is a growing problem in areas where knife crime has not been a problem before.

Research that was done for a newspaper article some 10 weeks ago—it is slightly out of date—states that the statistics on knife crime are truly frightening. Last year, there were 1,301 knife attacks in Strathclyde alone, 1,100 of which were in a public place and involved non-domestic knives. Scotland has the third highest rate of stabbings anywhere in Europe, with Glasgow as a significant stand out. In the past 10 years, 554

people have died as a result of attacks involving a sharp object. That is roughly one killing a week.

During the summer recess, I found myself being approached by an Angus man: Mark Davies of Arbroath. He has considerable experience in the field. Not only is he a martial artist of some renown and the owner of a martial arts centre in Arbroath from which he operates outreach events in Dundee and Montrose, but he is an international martial arts instructor and examiner, an edged weapons instructor and a close combat instructor with the United Kingdom special forces.

Mark Davies's experience with knives has given him some strong opinions, but he wanted to become involved in knife crime education not as a result of his professional background but when his nine-year-old son came back from school expressing his concerns about knife issues and the fact that another nine-year-old had threatened a friend of his with a knife. We should all be aware that the problem exists.

The programme that Mark Davies has proposed is—let us be clear—not a self-defence programme. It is not an attempt to encourage people to fight back. In fact, it is exactly the opposite. Mark wants to ensure that young people understand the real damage that edged weapons can do. I use the phrase edged weapons deliberately because, as Mark Davies states clearly in his programme, some of the most dangerous weapons that are carried are screwdrivers and other domestic implements that are likely to cause serious injury but are not suspicious unless they are in the hands of people who are suspicious.

We are well aware that the Scottish Executive has worked hard to try to cut knife crime. Efforts have been made to increase the level of deterrence. I and, I am sure, many of my Conservative colleagues, along with members in other parties, will support the Executive whenever it makes efforts to discourage knife crime through increased sentencing and better attempts to control knives.

The police have conducted a number of knife amnesties. Another successful one took place this year, but the problem is not with the kind of people who take advantage of knife amnesties. Although amnesties undoubtedly take dangerous weapons out of society and mean that they will not be available in future for those who are likely to cause damage with them, the truth is that the people who are likely to cause the damage are the ones who will not hand the weapons in.

When it comes to young people, it is clear—Mark Davies has made it clear to me and others in the Parliament whom he has met—that those who seek to do criminal damage with knives are in a

small minority. Sadly, the majority—perhaps a significant majority—of those who carry knives do so because they believe that it is a method of self-defence. They believe that they are threatened and decide to carry edged weapons to reduce the risk to themselves. Unfortunately, statistics and anecdotal evidence indicate that somebody who chooses to carry an edged weapon for that reason is more likely, rather than less likely, to be a victim of attack.

As I said at the beginning, it is important that we all claim the prevention and reduction of knife crime as our own. It is up to all of us as politicians to highlight the issues and to work against the problem. It is up to all parents to ensure that their children are neither carrying knives nor in fear of becoming victims of knife crime. It is up to the people in society who have genuine experience of the use of knives—perhaps they are few in number—to take the opportunities, when they arise, to go out and tell young people that it is not like it is in the movies: when someone pulls a knife and stabs someone else, they do serious damage not only to the victim but to themselves. Once they have crossed the line and become a perpetrator of knife crime, they will never be able to step back over it.

I take pleasure in speaking to the motion:

"That the Parliament encourages all efforts to reduce knife crime; notes that educational programmes and courses on the dangers of carrying a knife have been shown to have been successful in the past, and congratulates Mr Mark Davies from Angus on using his experiences as a door supervisor and martial artist to put together a new course which educates our young people on the dangers and possible consequences of carrying a knife."

We all need to learn more about the subject. The more people who are willing to do what Mark Davies has done in using his expertise, the more likely it is that we can progress towards an end to this scourge.

17:16

Richard Baker (North East Scotland) (Lab): I congratulate Alex Johnstone on securing the debate. I am glad to hear that his sedentary position is down to a bad back, not to practising martial arts with Mr Davies. I am pleased that we are debating such an important subject and I am pleased that the motion received cross-party support. The motion is important because it highlights the need to take a range of measures to tackle the worrying culture of knife crime.

As members will be aware, the problem is not confined to certain parts of Scotland. Historically, Glasgow has had particular problems with knife crime—no doubt Charlie Gordon will refer to that—but between January 2000 and June 2005,

Grampian police recorded 428 incidents when children aged between eight and 15 were charged with possession of an offensive weapon. That is a particularly worrying statistic, as it indicates that the problem sometimes involves surprisingly young people. Education on the dangers of possessing knives is clearly crucial—although that is not to say that the other efforts to reduce knife crime are not equally important. The Executive has taken a strong lead in ensuring that more severe penalties are in place for those who are convicted of carrying knives and in giving the police new resources and powers to help them identify people who carry knives.

Stricter regulation of sales and measures to ban sales to under-16s have proved popular with people who have expressed concern about the issue to me. More than 400 people signed a petition, which I organised, calling for just such measures. It was handed to the minister last summer.

Others have followed the Executive's lead. For example, retailers have chosen to withdraw certain knives from sale. That kind of action is important. The Government alone cannot end the knife culture: that requires action throughout Scottish society and, as Alex Johnstone said, education must be an essential part of that. Mark Davies's briefing to members yesterday about how he educates young people on knife crime, showing them the dangers of carrying a knife, was extremely informative and it showed just what a difference education can make. Mark has certainly found that it has made a real difference to many of the young people whom he has been educating.

I hope that the Executive will build on its excellent work on this issue by encouraging more education campaigns to discourage young people from carrying knives, as well as by providing education beyond schools for the whole community. I hope that schools and education authorities will recognise the great value of education programmes of the kind Mr Davies has pioneered and that they will pave the way for more such initiatives so that we finally achieve the reduction in knife crime that we all want.

17:19

Mr Kenny MacAskill (Lothians) (SNP): Whether he was speaking from a sedentary position or not, Alex Johnstone is to be congratulated not simply on securing this debate but on giving a forceful exposition of the problems that arise from the carrying of knives, and of the tragedies that afflict not only those who suffer at the hands of the perpetrators of offences but the families whose lives are ruined. The perpetrators of the offences also face ruin, as Alex Johnstone pointed out.

It is useful that the debate has been secured by somebody who is not one of the usual suspects—either on account of his constituency or on account of speaking about his justice portfolio. For too long, many of us have lived under the delusion that knife crime is a west of Scotland phenomenon that grew up with the razor gangs and has never quite been shaken off. It is a problem that afflicts all Scotland. Gone are the days when people in the city of Edinburgh could look rather disparagingly along the M8 and say that knife crime is their problem, not ours. In recent weeks, tragedies in the city of Edinburgh have revealed the problems that Alex Johnstone and Mr Davies described.

Not only the central belt is affected. As Alex Johnstone and Richard Baker said, there is an all-Scotland culture in which people—whether out of bravado or out of feeling that they need to defend themselves—feel that they have to carry a knife. Not only the cities and towns of the central belt are affected: rural areas are affected too. Knife offences now take place in Highland idylls where we thought such crimes would not be perpetrated, and where we thought people were safe to leave their doors unlocked and to walk the streets. We have to address that.

This Parliament has shown consensus in fully supporting the efforts of the minister and the Executive to stamp out knife crime, which is a crime problem and a culture problem. As Alex Johnstone said, it affects us all. The Parliament has taken appropriate steps and the minister is to be congratulated on giving a clear and vociferous lead. We need strict enforcement by the police, and that is clearly happening: there is the detection of weapons using metal detectors, the work of the violence reduction unit, and the progress that has been made by Detective Chief Superintendent Carnochan and others.

There has to be strict implementation by our sheriffs. This legislature is entitled to expect our sheriffs to show no mercy. It should be certain, unless there are exceptional circumstances, that if a person carries a knife, they will go to jail—and that if they use a knife or weapon, it is likely that they will go to jail for a very long time. We expect our sheriffs to get that message and to implement it.

This is a cultural problem, and education will be required. I was able only to read the handout that followed Mark Davies's lecture, but Alex Johnstone has reiterated the points today. A section of our youth are used to seeing how video games show the consequences of actions—if a knife is stuck in, it just comes out again and there is no real problem for the victim. That is not what happens. We have to make it clear that there will be real injuries and that people will suffer.

All society—not just politicians, policemen and sheriffs—has to deal with this problem. People have to report when others are carrying knives. Parents have to tell their children that it is simply unacceptable to carry knives. Neighbours have to be prepared to phone the authorities. As has been said in the chamber, that can be difficult in some areas, but the authorities can deal with reports on an anonymous and confidential basis.

We have a major cultural problem. Strict enforcement is required, but education is required too. As Alex Johnstone correctly said, action from us all is required.

17:24

Shiona Baird (North East Scotland) (Green): Alex Johnstone is to be thanked for securing such an interesting debate. It is interesting more for what lies behind the motion than for the rather scary images that knife crime represents.

I listened to Mr Davies's briefing yesterday and heard some of his alarming stories about youngsters he has found with knives. He showed and described some of the weapons; the picture he painted was of a society that no one should tolerate. Everything that Mr Davies is saying about the carriers and users of these so-destructive weapons indicates a waste—not only the waste that is evident in the paucity of those young people's ambition, but the waste for the community as a whole. Useful, contributing and able youngsters are wasting the one life that they have. That is not even to address the waste of police resources in tackling knife crime or the huge cost of people being in the prison system.

Prevention through education has to be the way forward. Mr Davies rightly calls his programme, "Reducing a culture of violence through education." He is in good company: the United Nations international decade for a culture of peace programme states:

"For peace and non-violence to prevail we need to foster a culture of peace through education."

We are in the middle of that decade for a culture of peace.

The cutting edge programme goes beyond the graphic illustrations of just what happens when knives are carried and used and shows the impact on the families of victims and the wider community. It gets to the fundamentals behind the perceived need to carry weapons by addressing issues of self-esteem, discipline and self-control.

The education for peace programme is about teaching people of all ages how to resolve conflict non-violently. As Mr Davies points out, too often violence erupts so quickly because people's first response is to lash out. It concerns me that such

intolerance is portrayed ever more frequently on television, with girls often being portrayed as aggressors, as if to suggest that by emulating the men they are somehow achieving greater equality. However, that is another issue.

Many people believe that violence is an integral part of human nature and that violence at home and abroad is inevitable—hence, the concept of zero tolerance, which is used in schools in the United States and which is being advocated here. It involves installing metal detectors, conducting personal searches and providing high-level security around schools.

Education for peace, however, is—like Mr Davies's programme—based on the more optimistic view of human nature that building respect and strong secure relationships with and among children achieves a great deal more long-term success.

It is disappointing that Mr Davies is having the same struggle as I am having with the education departments of some local authorities, which are unwilling to take on board differing approaches. I have been unable to circulate to teachers the outlined programme of education for peace, because it could be seen to be verging on the party-political and circulating the material might set a precedent.

I find it worrying that we as a society are willing to tolerate the level of violence and fear of violence, which is rising in our schools and communities, but not to explore every avenue to address and reduce it.

17:28

Mr Charlie Gordon (Glasgow Cathcart) (Lab): I congratulate Alex Johnstone on securing the debate. I was pleased to sign his motion and I am pleased about the cross-party support for it. I congratulate him also on the fascinating seminar that he arranged with Mr Davies yesterday. I also commiserate with him about his back pain. I am a fellow sufferer, sporadically.

Alex Johnstone was quite right to draw attention to Glasgow's reputation. In the past 20 years in which I have been in public life, I have had the privilege of contributing in some measure to the regeneration of my beloved home town of Glasgow, but I have to admit that when it comes to knife crime my city has a worldwide reputation that we do not want for it.

I have been campaigning on knife crime for just over a year, since I took up the issue in the Cathcart by-election. I congratulate the Scottish Executive on the fact that all the measures that I proposed in the context of that campaign are in the course of being implemented, such as the

knife amnesty, the issuing to police of metal detectors, stiffer sentences on conviction for use of knives, more stringent bail conditions or refusal of bail, and the proposed licensing of the sale of knives. I have other views on sentencing that are well known to members, but they are not for this debate. Suffice it to say that I am delighted that the Executive has left the door open. In the event that the package that is being implemented does not have sufficient impact, it will consider further measures.

However, we are talking principally in this debate not about enforcement but about education on knife crime. Why do we need education on knife crime? I will give one illustration. A principal teacher of guidance in a top-performing state school in a leafy suburb of Glasgow told me recently that she had asked a senior class whether it was okay to carry a knife. The majority replied, "Yes, because it makes you feel safer." In the main, those were middle-class boys and girls from professional-class families. That indicates to me that there is among our young people a deep-rooted and broad cultural problem about knives that has to be addressed.

It may be that Mr Davies's programme has a contribution to make in our proffered solutions, but we are perhaps at only the early stages of the debate. I fully accept that the Scottish Executive Education Department, as well as the Justice Department, may have to apply its shoulder to the wheel in the future. However, let us talk about the three Es, which could be the start of another avenue of debate. Let those three Es be enforcement, education and—the third that I would add—encouragement.

17:31

The Minister for Justice (Cathy Jamieson): I should start by saying that I am probably one of the usual suspects who were referred to earlier, because the issue is one that I have followed for some time as a minister. I add my congratulations to Alex Johnstone on securing the debate and enabling us to keep this important issue on the agenda.

For those who do not know—some in the chamber might already be aware—I am a former martial arts practitioner. Indeed, that is how I met my husband. We used to be involved in demonstrating self-defence and other things, and my son has followed us in that interest. People outside martial arts found it odd that I could be involved in such a sport while also being involved in delivering peace education through an organisation called the Woodcraft Folk. For those of us who were involved in martial arts, there was no contradiction whatsoever. Part of the discipline and ethos was to ensure that people were not

required to resolve problems violently. Those who are involved in martial arts have a particular responsibility to ensure that there is no glamorisation of violence. It is a powerful and productive sport for young people to be involved in, but it should not glamorise violence or weaponry. That is why I am particularly interested to have heard about the presentation by Mr Davies. Unfortunately, I could not attend, although I have seen information about it.

Alex Johnstone said that being involved in knife crime is not like being in the movies. I saw for myself some very graphic photographs of victims of knife crime when I attended events with Dr Rudi Crawford, an accident and emergency consultant in Glasgow who is at the front line in dealing with the problems.

I recently visited Kilwinning academy to launch an educational DVD with the violence reduction unit and a community policeman who is now associated with the school as the campus policeman. The young people there looked at the images and saw the impact of knife crime. They heard directly from other young people who had been involved in knife crime about the damaging effects, both physical and mental, not just on themselves but on their families and the wider community.

I welcome anything that assists us in tackling the problems associated with knife crime, keeping the issue on the agenda and ensuring that we strike the balance between education, enforcement and—to acknowledge Charlie Gordon's comment—encouraging young people to do other things.

All the members who have spoken recognised that the Executive has taken the issue seriously. We have listened to the police, people in the health services who have to deal with the consequences of knife crime, youth workers, people who work with young people and young people themselves. I suppose that one of the most difficult tasks is trying to get across to young people that carrying a knife will not make them safer but will make them more likely to become a victim of crime. We must redouble our efforts to get that message across. I say to young people that the minute that they decide to carry a weapon, they have already decided that they may use it at some stage—such circumstances are dangerous.

Members have pointed out that knife crime is not an issue only for Glasgow or the west of Scotland. However, I strongly support the efforts that Charlie Gordon has made. He recognises that Glasgow has a reputation that it is not proud of and that it wants to do something about. He and his colleagues in Glasgow want to tackle the problem, but we should also recognise the work that Richard Baker has done and the work that Kenny

MacAskill and other members have referred to, such as the work in the north-east that Alex Johnstone mentioned. Perhaps communities are experiencing knife crime in a way that they have not in the past. We do not want such crime to spread throughout Scotland.

I am pleased that our recorded crime figures show that, overall, violent crime fell last year to its lowest level since devolution, but we know that we have much more to do, which is why we are strengthening the law. We are working with the police on enforcement and are addressing the underlying issues through educational initiatives. There is, of course, more to come in the Custodial Sentences and Weapons (Scotland) Bill, which will ban the general sale of swords and require sword and knife sellers to have licences. There will be strong enforcement of that legislation; powers of entry and seizure will exist.

People are aware of the knife amnesty, the Lord Advocate's new guidelines and the additional resources that we have given the police so that they can use hand-held metal detectors, which can deter people from carrying knives in pubs, clubs or other places in which they might be tempted to carry them. The use of such detectors signals to people that they are much more likely to be caught carrying a knife and held in custody. They are also much more likely to be subject to a stiffer sentence as a result of what the Executive has done.

I heard what Kenny MacAskill and Charlie Gordon said about sentencing. Of course, there will be further debates about sentencing, but it is important to recognise that we want to ensure that there is a degree of consistency in sentencing and that the public understand the sentencing process. That is why we asked the Sentencing Commission for Scotland to produce work for us, and I am currently considering its report.

We must also continue our educational efforts. We are using the save face posters, for example, which are a visual reminder of the consequences of carrying knives, and the "Knife City" DVD. In addition, schools in Glasgow and elsewhere have benefited from drama projects that have explored issues relating to the carrying of knives and the consequences of doing so. It is important that the Parliament continues to support such efforts.

The work of the Strathclyde police violence reduction unit has been extended throughout Scotland. That work represents an opportunity to tackle such problems, keep them in the public domain and make it clear that carrying knives is not cool or clever, but can lead to dire consequences. We want to encourage young people to become involved in constructive activities and to have the self-confidence to stand up to pressures to become involved in violent activities. We want them to do other things.

I appreciate the opportunity that I have been given in this debate to continue to raise the issue of knife crime, and I thank Alex Johnstone and all the other members who have spoken. I also appreciate the efforts of all the partners who are working at the front line to tackle the problems that exist, to continue to raise awareness and to ensure that our streets are safer. If we continue to work together on a cross-party basis and bring all our resources and efforts to bear, we can continue to reduce violent crime and make our communities safer places in which to live.

Meeting closed at 17:39.

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