

MEETING OF THE PARLIAMENT

Thursday 16 November 2006

Session 2

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Scottish Parliament

Thursday 16 November 2006

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

Planning etc (Scotland) Bill: Stage 3

Resumed debate.

The Presiding Officer (Mr George Reid): Good morning. We pick up where we left off yesterday. Members should refer to the bill as amended at stage 2—SP bill 51A; the marshalled list; a supplement to the marshalled list, which contains four manuscript amendments; and the agreed groupings of amendments that I have selected for debate.

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

Section 11—Public availability of information as to how planning applications have been dealt with

The Presiding Officer: We have reached group 16. Amendment 121, in the name of Alex Neil, is grouped with amendments 27 and 28.

Alex Neil (Central Scotland) (SNP): Amendment 121 would close a loophole in the law, whereby all advice given by officials to councillors on a planning committee is on record but additional evidence that is submitted orally at the planning meeting is not recorded.

In a recent case in South Lanarkshire, additional oral evidence that had been provided at the planning meeting could not be used in an appeal to the minister against the planning committee's decision, because there was no record of it. At least two of the statutory consultees challenged the veracity of the oral advice that was given at the meeting, which included an alleged statement of their position. However, because there was no record of the advice, they could not submit their challenge to be considered by the minister as part of the formal review procedure.

When I lodged a similar amendment at stage 2, the Deputy Minister for Communities said that we must be careful not to overload the planning register with every detail of every planning application, however big or small. I have great sympathy with that position. However, in

substantive planning applications that the planning committee considers, additional oral evidence or information that is presented at committee meetings should be a matter of public record—just as meetings of the Scottish Parliament are on record—so that there can be no dispute about what was said, either at the late stages of the planning process or at an appeal. Amendment 121 sets out a narrow definition of the additional information that would be required in the planning register and in the public domain. The approach is essential.

Stewart Stevenson (Banff and Buchan) (SNP): In the interests of effective recording of oral contributions and cost-effective delivery of a record, would it be sufficient to make a tape recording of the meeting, which could be referred to?

Alex Neil: Yes. Amendment 121 is drafted to allow local authorities to keep

“an electronic or written record of any oral evidence or advice provided”.

How the record was made would be a matter for the local authority. It would probably be cheaper to record meetings electronically. My proposal would address the minister's concerns at stage 2 that the cost of keeping a record would be excessive, because it would cost next to nothing to put a tape recorder at the front of the room and record everything that was said at the meeting. If there was a dispute about or a need to check what was said, the record would be available to all participants.

Currently, additional oral information or advice offered at a planning meeting is not subject to scrutiny or challenge, because it is not recorded. By recording the oral evidence, we would strengthen the arm of everyone involved in the planning process, because a dispute about what was said could be resolved without recourse to the courts. Amendment 121 is sensible—as members would expect of an amendment that I lodged—and would provide a cost-effective way of improving and enhancing the democracy and transparency of the planning process.

I move amendment 121.

The Deputy Minister for Communities (Johann Lamont): Amendment 121 would require an electronic or written record of oral evidence or advice given in planning authority proceedings on every planning application to be kept on the register. Although the amendment reins in the requirement for a verbatim record that Alex Neil proposed at stage 2, it is not clear what range of oral evidence or advice would be included in the record or in what circumstances.

Section 11 will allow us to specify in subordinate legislation that a report on each planning application be kept on the planning register. Each report will include a description of the proposal, reference to relevant development plan policies, the issues raised by consultees and objectors, the planning authority's decision, any conditions and the reasons for the decision. The aim is to improve transparency by having a clear and accessible explanation of the decision on every planning application.

As I said at stage 2, although it would be possible to press for more and more detail on every application, a balance needs to be struck between producing a reasonable amount of information on each case and adding undue burdens on planning authorities. Our proposals strike that balance. Individuals who want to pursue concerns about particular cases have powerful tools at their disposal under the Freedom of Information (Scotland) Act 2002, which allows people to obtain more information from local authorities, including minutes of committee meetings. Therefore, I recommend that the Parliament reject amendment 121.

Amendments 27 and 28 relate to planning legislation that we commenced earlier this year to apply the planning acts to the Crown. As I explained yesterday in relation to related amendments 23 to 26 and 29 to 31, in bringing planning controls to bear on the Crown new provisions were needed to accommodate the Crown's particular responsibilities. Amendments 27 and 28 relate to the inclusion of relevant information on planning registers and information on lists of applications. I ask members to support them.

Dave Petrie (Highlands and Islands) (Con): I can see where Alex Neil is coming from, but the approach in amendment 121 would be impractical, not just because of the cost and difficulty of providing a good record of noisy meetings but because amendment 121 would apply to all planning meetings and therefore not just to "substantive" applications as he suggested. A case might be made for keeping a record of meetings at which controversial applications are discussed, but a record should not be kept in every case.

Alex Neil: At stage 2, the minister told the Communities Committee that all issues raised by consultees and objectors should be included in the planning register, as she said again today. However, it is not possible to meet that requirement if there is no record of what the consultees and objectors say at the planning meeting. The requirement can be met only if oral information and evidence given at the meeting is recorded.

How can we have freedom of information if the information is not there to begin with? It goes without saying that an FOI request is redundant if there is no record of what was said at the meeting.

Dave Petrie's comment about cost was nonsense. There is a verbatim record of every full council meeting in the country—sometimes that is unfortunate. Meetings are recorded electronically and sometimes in writing. Every meeting of the Parliament is recorded. The logic of the Tory and Labour position is that the committees in the Parliament should issue only their minutes and we should not have a verbatim record of what is said. Why is having a verbatim record right and good enough for the committees of this Parliament but not right and good enough for planning committees when they take crucial decisions?

If the bill is to have credibility, it must extend the democratic rights of consultees and objectors. My simple, cost-effective, easy-to-understand amendment would do that. I beg members to reject the advice of the minister and the civil servants who wrote her speech.

The Presiding Officer: The question is, that amendment 121 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

As this is the first vote, I suspend the meeting for five minutes while the division bell is rung.

09:25

Meeting suspended.

09:30

On resuming—

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

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 35, Against 74, Abstentions 1.

Amendment 121 disagreed to.

Amendment 27 moved—[Johann Lamont]—and agreed to.

Section 12—Keeping and publication of lists of applications

Amendment 28 moved—[Johann Lamont]—and agreed to.

Before section 13

The Presiding Officer: Group 17 is on determination of applications—public health and sustainable development. Amendment 79, in the name of Donald Gorrie, is grouped with amendments 80, 84 and 155.

Donald Gorrie (Central Scotland) (LD): My two amendments in this group are on very different subjects. Amendment 79 is intended to make it absolutely clear in the bill that health is a relevant issue in planning applications. The minister claimed at stage 2 that that was already clear, but my experience of being a member of the Communities Committee—before I got pit oot of it—tells me that it is not clear. People who try to oppose masts and suchlike on health grounds are told that health is not a relevant planning issue. It is important to make it clear in the bill that the health of individuals and general public health are relevant issues and material considerations. They would not determine whether planning permission was granted, but they are relevant when a planning authority is dealing with an application. We should err on the safe side when there is a question of health. It is better to duplicate something that already exists somewhere else than to have any doubt about whether health

issues are relevant. I hope that the minister and Parliament accept that point of view.

Amendment 80 makes two points relating to energy conservation and microrenewable energy systems. It would provide that applications to improve energy conservation or to install microrenewables, such as little wheels, windmills or sun lights, in existing buildings would be assumed to be approved unless there was a strong argument against them on environmental grounds. There might be some places where a particular development would cause harm, but the assumption should be in favour of the application.

The second and larger issue is that, unless it can be demonstrated that a new building will have good standards of energy conservation and make good use of microrenewables, the application should be refused. When it comes to energy issues, our standard of housebuilding is lamentable compared with standards in almost the whole of Europe. We really must improve our building standards, for housing and for all other buildings. Amendment 80 is an effort to do that.

Other members have different proposals with similar aims, but it would be worth while to use planning as a tool in the contest to improve the quality of our buildings. That should be attractive to the Government, because it would improve things without costing the Government any money. Surely that must be a good argument.

I move amendment 79.

Christine Grahame (South of Scotland) (SNP): I agree with Donald Gorrie: health should be a material consideration in the granting of planning permission. That is why I lodged amendment 84.

I could give several pertinent examples. If someone is building a house extension, the work might go on for a considerable time and building materials, debris and noise might affect the neighbourhood. There might be a spot development. An existing development might have a small piece of land that gets built on. People might have been living in the area for a long time, and the health aspects will be very important.

I know of a development in Edinburgh in which a house will be demolished and flats will be erected on the site. Along with the demolition, there will be dust and noise. When such applications come in, people should be able to object. Conditions should be attached to the applications regarding activities on the site.

On a larger scale, the days of people having large pylons at the bottom of their gardens are, thankfully, past, but issues remain to do with telecommunications masts.

Given all the possible situations, I cannot see why the minister is resistant to the ideas in amendment 84. We will discuss good neighbour agreements when we discuss later sections of the bill, but such agreements are not enforceable. If conditions relating to health were attached to planning applications, they could be enforced and neighbours would have a remedy other than the courts.

Patrick Harvie (Glasgow) (Green): It is welcome that we have amendments on public health as well as on sustainable development. We can all think of specific developments in our communities, towns and cities that have an impact on health. It seems bizarre that health issues are not regarded as central when decisions are made on whether such developments should go ahead.

That is not to say that a development with a health impact should never go ahead. This is not about being anti-development; it is about acknowledging that there will be health impacts and that they must be taken into account. Whether we are talking about a specific development such as a road or a runway where there are concrete health concerns, or more generally about a loss of open space with a wider impact on the environment, we have to acknowledge the impact on people's health. Therefore, it is good to see the amendments in the group.

Donald Gorrie was quite right to suggest that in Scotland we are still putting up the built equivalent of gas-guzzling four-by-fours. We should not allow that; we should make it clear that buildings will get planning permission only after every possible step has been taken to reduce their energy consumption, whether through efficiency measures or through the use of microgeneration.

My amendment 155 is another attempt to introduce a sustainable development hook to development management. I tried to do that at stage 2 with a slightly stronger version. I hope that the Executive parties and other parties across the spectrum—all of which seem to have stronger rhetoric on sustainable development week after week—will be able to support my amendment.

The Presiding Officer: We must finish our discussion on this group of amendments by 9.46, so I will not be able to allow contributions from everyone who wants to speak. We will have the briefest of contributions from Fiona Hyslop and Sarah Boyack.

Fiona Hyslop (Lothians) (SNP): The minister will know that I have concerns about building on brownfield sites and particularly about demolition processes. I support amendment 84; public health must be a consideration. Demolition is not a prescribed process. Councils have concerns about

that, and the Scottish Environment Protection Agency has concerns about particular substances.

The minister addressed some of those points when we discussed an amendment that I lodged at stage 2. However, I have since written to her to ask why the concerns that she acknowledged are not dealt with adequately by the bill. Amendment 84 would allow us broad scope to consider public health when we consider planning. If we are building on brownfield sites and, during demolition, it is found that asbestos has been used—as has happened in my constituency—people must be protected. I urge the minister to give amendment 84 due consideration.

Sarah Boyack (Edinburgh Central) (Lab): I sympathise with what Donald Gorrie is trying to do, but I am not convinced that amendment 80 is drafted in a way that will achieve his objectives.

If ministers are going to encourage us not to accept amendment 80, will they tell us what they are doing about planning guidance, building standards and the review of permitted development? What action will they take to encourage local authorities to improve their enforcement of energy efficiency measures? That is a big issue. As I say, I am not convinced that the wording of Donald Gorrie's amendment 80 will deliver opportunities for energy efficiency and microgeneration, but those are clearly issues that ministers are thinking about. I would like to know how fast they are moving.

Will energy efficiency standards be raised and will microgeneration be made standard? I know that such changes have been suggested in the draft consultation on Scottish planning policy 6. Will the minister tell us where he is going with that? Will the guidance be boosted for its final version?

The Minister for Communities (Malcolm Chisholm): No one would dispute the importance of health or public health. As we said at stage 2 in relation to amendments such as these, existing legislation already ensures that all material considerations are taken into account when planning applications are determined. Those considerations would include health issues, where relevant.

It would not be appropriate to single out specific issues in legislation, particularly when they are often addressed by control regimes outwith planning. The Executive already includes, in its planning policy statements and advice, guidance on how the planning system should deal with health concerns in relation to certain developments.

I understand that there may be an impression among some MSPs and members of the public that planning legislation prevents planning

authorities from treating health as a material planning consideration. I want to make it absolutely clear that that is not the case. Health considerations are often likely to be controlled by legislation other than planning legislation. There may be specific controls on pollution, for example, or more general duties in relation to environmental health, such as statutory nuisances or health and safety legislation. Matters that are addressed by other statutory controls can still be material considerations in planning applications. Therefore, I recommend that amendment 79 be rejected.

Amendment 80 would enshrine in legislation the promotion of energy efficiency and microgeneration in new buildings as a material consideration. Donald Gorrie lodged a similar amendment without success at stage 2. That was not because the issues are unimportant—they are vital—but because there are better ways of promoting energy efficiency and microgeneration. In any case, existing legislation already ensures that all material considerations are taken into account when determining planning applications.

Richard Lochhead (Moray) (SNP): Will the minister take an intervention?

Malcolm Chisholm: I do not think that I have time.

The Presiding Officer: I am afraid that you do not.

Malcolm Chisholm: The Executive is strongly committed to the promotion of sustainable development and we are taking forward work in a range of areas. Sarah Boyack invited me to talk in detail about those areas; I do not have time to do so, but I must mention some of them briefly.

Scottish planning policy 6 on planning and renewable energy has a key recommendation on renewables energy equipment and reducing carbon dioxide emissions by a fixed percentage. We are keen that that recommendation be as strong as possible.

Starting in April, there will also be new building standards—another issue to which Sarah Boyack referred. Those standards will have a significant effect on CO₂ emissions from new buildings. Permitted development rights are being consulted on. I have made it clear that I am positive about that and we want to act on it in relation to renewable energy as quickly as possible. There will be a wider raft of energy and environmental efficiency measures to ensure that the principles behind amendment 80 are more appropriately integrated into the relevant processes. Therefore, I recommend that amendment 80 be rejected as well.

Amendment 84 would require planning authorities to consider attaching appropriate

conditions in relation to health. That raises some of the issues that I have mentioned about specifying in planning legislation the handling of certain topics. In many circumstances, those topics are dealt with under other legislation. As I have said, the Executive already includes, in its planning policy statements and advice, guidance on how the planning system should deal with health concerns in relation to certain developments. Therefore, I recommend that amendment 84 be rejected.

I turn finally to amendment 155. We are strongly committed to the promotion of sustainable development, which is why we introduced it in relation to development plans and the national planning framework. However, I do not think that amendment 155 is the best way to encourage a more sustainable approach. It would carry a risk of great uncertainty and delay and would greatly increase the scope for legal challenge. We have always said that development plans, in which all relevant issues are considered in the round, are the best place to consider sustainable development, and applications are determined in accordance with them. Moreover, when applications for developments are not in development plans, they will be subject to much greater scrutiny as a result of our reforms.

In summary, we support all the objectives outlined in the group, but we do not think that the amendments are the way to deliver them.

09:45

Donald Gorrie: The argument that health should not be mentioned in planning because it is dealt with in various other regimes is pathetic. Health can be included along with planning. At the moment there is uncertainty; we should remove that by including health quite clearly in the bill. I know that all ministers are told by officials never to accept that anything should be on the face of the bill, but they are wrong.

The various amendments try to deal with sustainable development. At the moment, the system is not working. We are building pathetically bad houses, and some councils are against taking energy conservation measures, although some are going further than the Executive is prepared to go. We need to accept that the system is not working and try to improve it. To stand up and say, "We disapprove of all these amendments and will go with the present system, which is not working," is not a tenable position. I will press my amendments.

The Presiding Officer: The question is, that amendment 79 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Iain (North East Fife) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 36, Against 76, Abstentions 1.

Amendment 79 disagreed to.

Amendment 80 moved—[Donald Gorrie].

The Presiding Officer: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 35, Against 77, Abstentions 1.

Amendment 80 disagreed to.

Section 14—Additional grounds for declining to determine application for planning permission

Amendments 29 to 31 moved—[Johann Lamont]—and agreed to.

Amendment 83 moved—[Donald Gorrie].

The Presiding Officer: The question is, that amendment 83 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)

Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 35, Against 75, Abstentions 1.

Amendment 83 disagreed to.

After section 14

Amendment 84 moved—[Christine Grahame].

The Presiding Officer: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)

McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 35, Against 77, Abstentions 1.

Amendment 84 disagreed to.

Section 15—Manner in which applications for planning permission are dealt with etc

The Presiding Officer: Group 18 is on community right of notification and third-party rights of appeal. Amendment 123, in the name of Jackie Baillie, is grouped with amendments 124, 127, 128, 85, 129 to 135, 157 and 158. I draw members' attention to the pre-emption information that is shown on the groupings.

Jackie Baillie (Dumbarton) (Lab): Unusually, I will start by telling the chamber what amendment 123 is not. I do so because there is an enormous amount of mince—[*Laughter.*] I am sorry; I did not mean to say “mince”. There is an enormous amount of misinformation in the ether. This is not the third-party right of appeal by the back door. If members do not believe me, they should consider the comments of RSPB Scotland on our amendment:

“This process would not introduce a third party right of appeal regime. While this is not our preferred solution to the problems inherent in the planning system it offers a constructive way forward with minimal inconvenience to the development industry.”

To label community right of notification as a form of TPRA is to deliberately misunderstand our proposals. Community right of notification is not anti-development and it is not anti-business. I come from an economic development background and I do not want to stifle development. It is about transparency, fairness, and involving communities in a strategic way where their input will be valuable and appropriate. It is about ensuring that we have the best possible planning system. We have a

once-in-a-generation opportunity to ensure that the planning system is fit for purpose for developers and communities.

Amendment 123 is a joint effort from me, Sarah Boyack and Pauline McNeill. It has been developed during the past year and it reflects soundings that were taken from a variety of people such as planners, senior lawyers, members of the Faculty of Advocates and communities themselves. We applaud the Executive's intention to give communities the opportunity to participate at the very start of the planning process. That is entirely sensible, but we also want to give communities a say before consent is given.

A community right of notification mirrors the requirement that is placed on local authorities to notify ministers of planning applications that merit call-in. That is not new, nor is it rocket science. We are working with the grain of what already exists in legislation. The criteria for notification by a local authority are already set out in regulations under the Town and Country Planning (Scotland) Act 1997. The Executive indicated its intention to expand the criteria to include all local authority interest cases, major and local developments that are significantly contrary to the development plan, and developments that require an environmental impact assessment. That is all welcome.

Our proposal would have minimal additional cost, as local authorities are already required to notify Scottish ministers. The Executive anticipates that more notifications will come from local authorities as a result of the expanded criteria, rising from 350—the current figure—to 800. So, again, we are working with the grain of Executive legislation.

The procedure would be relatively simple. First, a body would have to be registered as a community body. Our amendment clearly sets out that criterion for registration and gives ministers enabling powers to make regulations in that regard. In order to trigger a community right of notification, a community body would be expected to have objected to the planning application in the first place and, within seven days, the local authority would have to notify the community body of its intention to grant permission. Within 14 days, the community body would have to get back to the local authority with its views on whether the application should be called in.

One organisation has suggested that we would be adding at least seven weeks to the process, and that—horror of horrors—the minister would have a period of 28 days in which to consider the matter, which could be extended. The last time that I counted, seven and 14 made 21—that is three weeks, not seven weeks—and the minister currently has 28 days in which he can consider matters, which period he can extend under

existing legislation. We are not, therefore, proposing anything different. Let us keep things in proportion.

I want to make two points in closing.

The Presiding Officer: Very briefly.

Jackie Baillie: Our proposed approach is proportionate. It would not create a third-party right of appeal or cause unnecessary delays, but it would deliver certainty for communities, for local authorities and—above all—for developers.

I move amendment 123.

The Presiding Officer: I am sorry to hurry members along, but I must get everybody in. Speeches from now on will be three minutes at maximum.

Euan Robson (Roxburgh and Berwickshire) (LD): Amendments 124 and 127 seek to place in the bill the concessions that were helpfully made by the minister at stage 2. Those were that certain local authority interest cases and significant departures from the development plan would, henceforth, have to be notified to Scottish ministers. At stage 2, the minister said that

“planning authorities will be required to notify other applications, including certain local authority interest cases”

and that,

“as soon as possible after the Planning etc (Scotland) Bill is passed ... a new notification direction ... will require all significant departures from development plans to be notified, irrespective of the scale of local objection.”—
[*Official Report, Communities Committee*, 13 September 2006; c 3928-9.]

It is important that those two requirements are placed in the bill to increase public confidence, because those two areas of public concern generate most of the calls for a third-party right of appeal. The automatic notification procedure is quicker than the appeals process and thus meets one of the bill's key objectives of speeding up decision making. My amendments are designed to cover those two areas but still to allow ministers to set out in regulations the parameters of both requirements. For example, it should not be necessary to require local authorities to notify all interest cases, such as the siting of a mobile classroom.

I recognise the effort that Jackie Baillie and her colleagues have put into the construction of amendment 123. It has the attraction of community involvement. Perhaps the additional power and responsibility might even stimulate a welcome growth in the number of community councils, as there are still places where there are none. However, I consider the amendment to be, ultimately, flawed. Say, for example, that an elected community council accepts a planning application but a recognised community body does

not. Are we to prefer the view of an unelected body to that of an elected body from the same community? In any event, as notification will be automatic in particular areas of concern such as local authority interest cases and departures from the development plan, as well as being more swift than the process that is set out in amendment 123, are there enough grounds for concern to add that new process to the bill?

The weight of evidence that the Communities Committee received was against the creation of even a limited third-party right of appeal, and the democratic process should take account of that. With the enhanced notification procedure that I have described and the ethos of participation and involvement of communities in development plans, I do not believe that we need new appeal rights that could suggest that we envisage the failure of the provisions in the bill even before it is passed.

10:00

Ms Rosemary Byrne (South of Scotland) (Sol):

I lodged amendment 126 on behalf of Friends of the Earth Scotland. The amendment, which is supported by RSPB Scotland and Scottish Environment LINK, aims to redress the balance in the bill. I do not agree with the minister that the weight of evidence does not support the creation of a third-party right of appeal. On the contrary, communities are very much in favour of TPRA, and I feel that they have been badly let down.

Amendment 126 would remove developers' existing rights of appeal so that there would be parity with communities. Why should our communities not have parity? The existing system is untenable, as it gives additional rights to a group that needs them least. Given the new opportunities that the bill creates for developers to participate in the preparation of development plans and to consult communities, their right of appeal is no longer necessary.

If amendment 126 was agreed to, developers would have to take community consultation and development plan preparation seriously, because they could no longer use the appeals system as a fall-back to gain planning permission. A level playing field between developers and communities would be created once and for all. Developers would no longer get a second bite at the cherry or have the means to place pressure on councils.

The measure that amendment 126 proposes would be easier to introduce and less costly than a third-party right of appeal. Scottish taxpayers currently meet the bulk of the cost of appeals, paying for both inquiry reports and council staff's time. That money would be better spent on delivering the new community consultation

measures in the bill than on giving developers a second chance to subvert the decisions of democratically elected local councils.

Too often, developers have used and abused their right of appeal to wear down the resolve of communities while also creating uncertainty. That, in part, has led to calls for TPRA. By so vigorously opposing TPRA, developers have highlighted why their own position is untenable and unfair, and they should now face the consequences. Developers will no longer be able to intimidate councils into granting planning permission by using the threat of a costly and time-consuming inquiry.

Communities may believe the minister when he says that they did not substantially indicate that they wanted TPRA. However, I do not agree with him. Amendment 126 would not give communities TPRA—which would be my favoured option—but it would redress the balance, and I ask members to support it.

Donald Gorrie: Amendment 85 makes it clear that there should be a limited third-party right of appeal. I am not saying that the bill is so flawed that we need additional protection. Nevertheless, however good any system is, things will go through it in the wrong way and will need attention, so there must be a last line of defence. I suggest that there should be a limited third-party right of appeal with three conditions attached to it.

First, the appeal must be triggered by a genuine community body such as the community council or an equivalent body. It could not be just a few nimbies who had submitted written objections to a planning application; there would have to be genuine community strength in the view that the application should be defeated and that there should be an appeal.

Secondly, the grounds of the appeal would be limited to two, the first of which would be the council being a major player in the development and standing to benefit from it. It would be wrong for councils to be judges in their own case without there being any appeals process. That would fly in the face of natural justice and open government, and it would shake people's confidence in the people who are in government.

The second ground of appeal would be that a major application was contrary to the development plan. A lot of the bill says how important the development plan will be. That is fine. However, surely, if the plan is so important, the bill should say that anyone who submitted an application against the plan would have to overcome an additional hurdle in the possibility of an appeal by the local community.

The right of appeal that I propose is very restricted. The claim by Executive spokespeople

that the majority of those who were consulted were against the creation of a third-party right of appeal is contrary to the information that I have been given. The figure of 80 per cent of respondents being in favour of a third-party right of appeal has been quoted, although I have not personally read all the responses and counted them up. The public are strongly in favour of a third-party right of appeal. Many organisations have been arguing for it for years, and it is important to the public's belief in the democratic legitimacy of the planning process that there is a limited right of appeal. I hope that other members will see it in that way.

Patrick Harvie: I understand why some people would respond to the Executive's unwillingness to consider TPRA by seeking to remove the developer's right of appeal, but I do not support that approach. Mistakes will always be made, and that is why there should be an appeals system, because people will feel the need, quite legitimately, to complain about those mistakes and to appeal against wrong decisions that have been made. Removing the developer's appeal also seems to accord with the implication that all developers are bad people who want to abuse their power. Some do, but not all do, and punishing all developers by removing the developers' appeal is the wrong solution to the problem.

Jackie Baillie began by saying that community notification is not TPRA, which is quite true. That is why I do not think that community notification is of much value. I do not think that community notification would remove the injustice and unfairness that exist if there are appeals on one side but not on the other.

We have debated several different solutions, and I have lodged an amendment that proposes another variant of TPRA. Amendment 129 goes along with the Executive's argument that TPRA would remove unfairness but that it is impractical and would cause problems in the system. Amendment 129 says that TPRA would kick in if, and only if, development plans are out of date. If the Executive gets its way with the bill and if we get development plans that are kept up to date, as the Executive expects to happen, it will get its way on TPRA. However, if that does not work, and if development plans are not kept up to date, that is a promise not kept—a promise broken. In those circumstances, there is a case for addressing the unfairness by introducing third-party appeals.

I am sympathetic to any and all variants that we can come up with to provide a solution. I will even support amendment 123, in the name of Jackie Baillie, because it is better than nothing, if only a little better than nothing. However, I hope that, if amendment 123 falls, members on the Labour

back benches and Liberal Democrat members, whose own party policy is in favour of TPRA, will accept that the injustice in the system should not be allowed to continue and will support amendment 129.

Ms Sandra White (Glasgow) (SNP): I rise to speak to amendment 130 and to move amendment 130. In fact, I shall move all my amendments.

The Deputy Presiding Officer (Murray Tosh): You do not move your amendments at this stage. You simply speak to them.

Ms White: I shall speak to amendments 130, 131 and 132. I specifically lodged three separate amendments to enable each to be taken on its own merits, and I remind members that only persons and communities that had originally made representations against consent for planning permission would be able to make an appeal.

Amendment 130 is on the environmental impact assessment—a simple condition in planning but one that, if ignored, can have devastating effects on a community. Amendment 131 is on land that the authority owns or has interest in. That is perceived by communities to be one of the most contentious issues, because they can see a complete conflict of interests with local authorities. Although local authorities may engage with communities, they have the right to go against their wishes, which can be a contentious issue with communities and the public at large. Amendment 132 is on strategic and local development plans, which are another highly contentious issue; I am sure that members' postbags must be full of issues raised by the communities that they represent throughout Scotland. Communities are asked to take part, sometimes for many years, in local development plans, only to discover at the end of the consultation process—we have seen this with hospital consultations, too—that a development is pushed upon them against their wishes. That cannot be right.

I remind members that my amendments are for a limited third-party right of appeal. I remind the Executive that 86 per cent of the respondents to its consultation supported some form of third-party right of appeal. I welcome early consultation—I am sure that communities, too, will welcome it—and the scrutiny of planning permission, which is included in the bill, but communities still will not have the right of appeal if a bad decision is made.

I will pick up on some of the issues that have been raised. It cannot be fair that communities do not have the right of appeal. Authorities can consult to death if they wish to do so, but there must be an end point, and communities do not have that end point. The third-party right of appeal

is not anti-development, nor is it against economic growth. The third-party right of appeal would enhance the planning process and ensure that communities were brought in, not just at the beginning of the process but at the very end. I ask members to consider all three of my amendments seriously, on their individual merits, when I move them. I urge members to support some form of appeal in order to give communities the support that they deserve and to ensure that they are heard and listened to. That is only fair and just.

Dennis Canavan (Falkirk West) (Ind): Eighty-six per cent of respondents to the Executive's consultation supported the principle of a third-party right of appeal. I was one of that 86 per cent. The Executive, on the other hand, is apparently taking the side of big business developers, instead of siding with the overwhelming majority of the people. I find that rather strange, particularly when the Labour party frequently declares that it supports the interests of the many, rather than the interests of the privileged few.

I support the amendments that have been lodged by Donald Gorrie, Patrick Harvie and Sandra White, but it seems highly unlikely that the Executive will support any of those amendments, so amendment 133 is a compromise. It would leave open the possibility of a third-party right of appeal being introduced through secondary legislation at a later stage.

I do not believe in a third-party right of appeal for every Tom, Dick and Harry, and I do not believe that we should pander to nimbyism, but in certain circumstances a third-party right of appeal can be justified. For example, if a community council is against a proposed development in the area that it covers, it should have a right of appeal to the Executive. Jackie Baillie's amendment 123 proposes something similar, although, as I understand from her remarks, it falls short of a third-party right of appeal. I hope that amendment 123 is agreed to, but if it is not I ask the Parliament to support my amendment 133.

Let us see how the legislation works out in practice. Let us see whether the consultation procedures that are proposed in the bill are adequate. If they are not, instead of having to wait, possibly for years, for new primary legislation to be introduced, a third-party right of appeal could be speedily introduced by secondary legislation, and the exact circumstances in which that third-party right of appeal could be exercised would be defined in that secondary legislation. I therefore ask the Parliament to support amendment 133.

The Deputy Presiding Officer: A lot of members want to speak, so I shall limit speeches to two minutes.

Sarah Boyack: It is a great pity that the Scottish Executive will not accept the proposals that Jackie

Baillie, Pauline McNeill and I have made to extend the community right of notification. It is in line with the partnership agreement, which commits us to improving planning rights for communities.

I welcome the emphasis on up-front consultation. It is what I was trained to do as a town planner 20 years ago, so members must excuse me if I do not see it as an innovation. I see the benefits of developers consulting communities early. It leads to better proposals that are more in tune with what communities need and what is in the local development plans. It also provides the opportunity for better proposals and leads, at the end of the day, to more happy communities. However, it is not the full story because not everyone engages enthusiastically in that process.

We need better checks and balances in the system. In drafting amendment 123, we used and extended the Executive's notification procedures. It is not TPRA; Patrick Harvie was right to emphasise that. We are looking at communities, not individuals. Our proposal is not about automatically adding a year to every application if just one person is not happy. It is about the right for the communities concerned to be listened to before final consent is issued and before the developers' contracts and legal commitments kick in. I do not see what developers have to fear from our proposal, the process for which would involve a marginal amount of extra time for a much better outcome.

Euan Robson made a specific point about development plans. If the Executive wants us to move to a culture in which there are not just more development plans but leaner, less specific and less comprehensive development plans, I predict that more questions will arise in the future about what such plans mean in practice. More communities will be unhappy with local authorities' interpretations, and the Executive's notification procedure will leave that final judgment with the local authority and exclude communities.

Historic Scotland will still have the right to call for a review by the Scottish Executive, but communities will not. We will all still get hundreds of letters from people who are unhappy. The process that is proposed by the bill is neither transparent nor effective. Jackie Baillie's proposal would be a better way in which to deliver community planning rights, so I hope that members will support amendment 123.

10:15

Christine Grahame: We all know that many communities feel disfranchised by the planning system. The SNP fully supports robust up-front consultation and more involvement with communities, but that does not completely

displace the need for a third-party right of appeal as a last resort. Indeed, such a right would act as a good deterrent for mischievous planning authorities or developers who breach the intended robustness of up-front consultation at the start of the process.

I commend Sandra White for her tenacity in following the issue through. I look forward to the Liberal Democrats supporting her amendments, because a third-party right of appeal is their party policy.

Karen Whitefield (Airdrie and Shotts) (Lab)
rose—

Christine Grahame: I am sorry, but I do not have time. I have only two minutes.

I commend Jackie Baillie. As she knows, I mischievously moved a similar amendment that she had lodged at stage 2. As Patrick Harvie said, Jackie Baillie's amendment 123 is better than nothing, but only just. She said that her proposal might not be the preferred option of those who want TPRA, but I hope that enough members will vote to allow amendment 123 to go through.

I am sympathetic towards Rosemary Byrne's amendment 128, but Patrick Harvie said it all when he said that developers are not all bad. Rosemary Byrne's solution, as I understand it, is too draconian.

We will support Euan Robson's amendments 127 and 124, Patrick Harvie's amendment 129 and Dennis Canavan's amendment 133, which are all well intentioned. The number of amendments indicates the level and strength of support in the Parliament for some form of third-party right of appeal.

Pauline McNeill (Glasgow Kelvin) (Lab): Overall, the bill is a good one. It promises to address issues in the planning system that frustrate businesses, commerce and communities, which all have frustrations with the system. However, the bill does not fully address the issues of fair balance of representation between applicants and those who are affected by development—the people in local communities.

The community right of notification is both fair and simple and will help to provide balance. Nothing in the bill allows any objectors or community groups to challenge any decision. However, developers and applicants have the right of appeal and the right of judicial review, because they are the ones who usually have the resources to do it. Communities that want to use judicial review do not tend to have sufficient resources, even though they might have good grounds to do so.

The community right of notification is a modest proposal. I point out to Euan Robson that it is a

trigger to notify ministers to let them consider whether the decision needs to be examined again. I do not know that it really matters who triggers the process, but the right would exist. It would be the only part of the planning system in which community bodies would have a trigger to enable Scottish ministers to examine the issues. That would restore the balance of fairness.

In some cases, there are arguments over the development plan and how it is interpreted. The plan is the basis of the system. Planning authorities will tend to interpret the development plan in their own favour, and they will be judge and jury. The problem is that communities see local authorities as having an interest in building development. The question whether two-storey or four-storey buildings are built matters to communities, and of course the applicant has a vested interest in the buildings being higher. Communities also have an interest if 100 extra cars are being brought into their community. Therefore, it is vital that we provide a mechanism for communities to trigger the process.

Even if the Executive had conceded that community objectors would be advised of outcomes when it is already looking at applications, that would have been symbolic of the place that was given to MSPs and objectors in the system. That concession would have been helpful. I urge members to support amendment 123.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): The various amendments that have been lodged are legacies of the current adversarial planning system. As a local councillor, I have railed against the lack of democracy in the current system when an appeal lands in the hands of a Scottish Executive reporter.

Euan Robson pointed to the difficulties with Jackie Baillie's amendment 123, but he did not comment on the potential burgeoning of nimby community bodies. I reckon that three or four applications on the agenda for a recent Fife Council planning meeting could fall into the scope of amendment 123. That is one meeting in one planning area. An issue that has not been mentioned so far, although I hope that it comes up in this afternoon's debate, is the general lack of qualified planners throughout the country. I do not know how many such applications would emerge if the new requirement of prior consultation were to operate well. Perhaps they will end altogether.

We are putting a lot of faith in the new system of prior consultation. As such, I have a degree of sympathy with Dennis Canavan's amendment 133, which would mean that if the new system does not work properly we would at least have a mechanism by which we could come back and re-examine it.

Karen Whitefield: I appreciate Jackie Baillie's long-standing interest in the issue. However, in my opinion, amendment 123 fails to recognise the significant cultural and procedural changes that the bill will make to the planning process, in particular through the requirement to put community engagement at the heart of the process.

Amendment 123 would destroy the balance that the bill creates between community involvement in the development plan process and a swifter and more transparent decision-making process. Given that we are restricting the scope of appeals, it would seem rather strange to introduce a further layer of bureaucracy that would delay the process and give communities no meaningful engagement.

Amendment 85, in the name of Mr Gorrie, represents the reintroduction of yet another amendment that was defeated overwhelmingly in the committee at stage 2. The argument that held sway then, which was that the amendment would not ensure that we had a definition of a truly representative body, still stands.

The amendments in the name of Sandra White and amendment 129, in the name of Patrick Harvie, attempt to introduce a limited third-party right of appeal—as does amendment 133, in the name of Dennis Canavan, in a wider way.

I say to Patrick Harvie that in this Parliament we do not legislate for legislation to fail; we legislate to have legislation that will work. Introducing amendments on the basis that the legislation might not work seems ludicrous to me. The effect of all those amendments would be to increase confrontation, cause delay and uncertainty and require central decision making. That is not the type of planning system that I want and it is certainly not the type of planning system that my constituents deserve. In the past, people in the poorest communities have often faced the worst planning decisions.

Today is an opportunity for the Scottish National Party to come clean. What is its position on the third-party right of appeal? It is up to the SNP to decide whether it will side with Jim Mather and support Scotland's business community or whether it will consign Scotland to being an economic basket case.

Dave Petrie: The Conservatives are sympathetic to all TPRA issues. It is vital that the views of all organisations are acknowledged and listened to during the planning process—indeed, that is the aim of the new planning process. However, our concerns lie with the obvious conflict between TPRA and the aims and objectives of what is supposed to be a fast-track comprehensive planning system.

I have sympathy with amendment 123. I have discussed the matter with Jackie Baillie and I see where she is coming from, but I share Euan Robson's concerns. There is the risk of rogue community bodies upsetting the apple cart. I will support amendment 127, in the name of Euan Robson, and consequential amendment 124.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): We must be clear that no amount of end-stage process will give this country the planning system that it needs and deserves. In the many years of debate leading up to the bill, a disproportionate amount of time and emphasis has been placed on end-stage appeal rights. It would be a travesty if, in the implementation and delivery of the change that flows from the bill, a disproportionate amount of time and energy were again spent on end-stage process.

A third-party right of appeal—or indeed a community right of notification—will address neither the anger and frustration felt by communities at the planning system nor the current system's shortcomings. However, it will inevitably delay decisions on vital social and economic developments, add to processes and lead to more end-stage disputes. I say to the members who have moved these amendments that their proposals raise enormous issues of interpretation, definition and practicality that it will take time to resolve.

Critically, these proposals will divert attention and energy from getting things right at the front end. We need to concentrate more on—and hear much more from the Executive about—how we can make a reality of the culture change that is needed at the beginning of the process to ensure that all local authorities, including those that might need to be dragged kicking and screaming to the table, will engage meaningfully with communities.

I also want to hear the Executive's proposals on building capacity and support for communities at a local level. Let me be clear: although many of us will vote against these amendments today, we are every bit as passionate about ensuring that in future community views and interests are reflected better in law and in practice.

I urge colleagues to reject the amendments and to work towards a planning system that works from the beginning and does not add delay and disputes at the end.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I acknowledge the level of interest in this area of the bill, although I am perhaps disappointed that so much of people's time and energy has been spent on it.

The bill's key aims are to modernise the planning system to make it open and transparent; and to allow communities to have, from the outset,

a say in shaping their areas, in the development planning process and in individual applications. However, I share other members' fears that if we indicate to our communities that there is a mechanism that they can use at the end of the process, they will simply not engage at that very early stage.

I understand that members feel passionately about their amendments and I admit that they might have had a point if the planning system were to remain as it is. However, that is not the case. The system will be much improved and will allow communities to take part in and engage with the whole process.

Throughout the bill's passage, we have said that its proposals require a culture change on the part of professionals and community groups, including some of the umbrella groups that have been pushing for these amendments. I hope that we will give the bill our full backing and ask colleagues to reject all the amendments in this group.

John Home Robertson (East Lothian) (Lab): Proposed subsection (13) that amendment 123 seeks to insert into section 43 of the 1997 act defines the community bodies that would be able to trigger the notification and appeal mechanism that has been suggested by some of my colleagues. It says that such bodies would have to be "formally constituted"; would have to

"consist solely of members who ... reside ... and are entitled to vote"

in a particular postcode area; and would have to

"have at least 12 members".

As any national pressure group could constitute itself in ways that could fit those criteria by organising its membership on a postcode basis, this proposal could act as a device for serial objections and obstruction by such pressure groups, regardless of the interests of local communities. Dennis Canavan mentioned the problem of nimbyism and I fear that this device could be used by others with an obstructive agenda.

Amendment 123 would, in effect, create a licence for obstructing necessary and desirable developments. There should be no place for such obstructionism in the new, open and democratic planning framework that the Executive has proposed and which the Communities Committee has overwhelmingly supported.

Mr Kenneth Macintosh (Eastwood) (Lab): However sympathetic we might feel to the principle of TPRA, all of us will be aware of the practical difficulties of introducing full third-party right of appeal and the strengths and flaws of the amendments in this group—including amendment 123, for which I have particular sympathy.

However, if the minister and the Executive cannot accept any of these amendments, what reassurance can she give to the many individuals and communities that we represent that this new planning system will give them equal—or, at least, fair—access to that system? Can she reassure communities and individuals that they can feel confident that their views will be heard throughout the planning and appeals process? Moreover, what reassurance can she give to ensure that these communities do not feel outgunned, outnumbered and outmanoeuvred by developers and others, as happens so often at the moment?

10:30

Tricia Marwick: I say to Cathie Craigie, who regretted the amount of time that has been spent on discussing community issues such as TPRA, that this is a democracy and we have a right to talk about these matters.

The amendments in the name of Sandra White, which seek to introduce a very limited third-party right of appeal, are sensible. With the bill, the Executive is expecting communities to make a leap of faith, undergo a culture change and simply accept that the new system will somehow make everything all right. If the minister is right, the consultation with communities will work effectively.

However, Sandra White's proposal seeks to deal with situations in which, for example, a local development plan that has been agreed in the consultation process is simply overturned for a particular planning application. Surely, in such circumstances, a community has the right to appeal. After all, it has engaged in the consultation at the beginning of the process; if its views are then set aside by the planning authority, it has a perfect right to be heard.

Amendments 130, 131 and 132 seek to introduce a very limited third-party right of appeal and I ask members to support them.

Helen Eadie (Dunfermline East) (Lab): I support amendment 123 not only as a previous member of Fife Council's planning committee and as a member of the Parliament's Public Petitions Committee but on the basis of the Executive's own analysis of rights of appeal in planning, which said that, even with the exclusion of responses from campaigners—postcards and so on—59 per cent of respondents supported TPRA.

However, with amendment 123, Jackie Baillie seeks the introduction of a community right of notification, which is a fundamentally different matter. The proposal is particularly good for communities in Scotland, because we need to realise that this is an issue of trust. The Parliament should build up and maintain that trust. If we do

not support the amendment, we will be in real difficulties.

Johann Lamont: This debate is serious and important and anyone who is under the illusion that this idea has simply popped up at the last minute—as I think I heard someone say on the radio this morning—has not engaged in the kind of discussions and conversations that I have had, particularly on the issues that Jackie Baillie, Sarah Boyack and Pauline McNeill have raised. Everyone in the debate has acknowledged the huge challenges that we face and the major concerns that have been raised.

It has been argued that the system does not strike the right balance between the applicant and the community that is affected by the application and that, therefore, some mechanism should be available at the end of the process. However, I contend that the bill, which has been shaped by the Communities Committee, brings together a strong package that strikes the balance that we are all seeking between the rights of applicants, developers and those who want to create the infrastructure that we want in our communities, and the rights of those communities. Dennis Canavan says that, with the bill, we are standing with big business; I am standing with the Scottish Trades Union Congress on this matter and I am happy to do so.

We want all developers and planning authorities to recognise that their actions impact on local people. The bill is designed to help them to face up to that reality and to engage consistently across Scotland. That is why our proposals focus on securing meaningful community engagement at the front end of the process both in development planning and in early engagement in applications, with rigorous enforcement of any decisions that are taken. That view was reinforced at stage 2. We believe that planning authorities should focus their available resources on where they will make a difference. Indeed, as we said time and again yesterday, we recognise that our democratically elected local authorities must take responsibility for ensuring that their decisions are taken openly and accountably and in the interests of the areas that they represent.

All the amendments in this group should be considered in that light. We believe that the proposals in amendment 123, for a community right of notification, and in amendments 129 to 133, for a third-party right of appeal, would significantly disrupt that critical balance for no real benefit. Our view is that the introduction of additional procedures and complexity at the end of the process would not improve the quality of decision making but would add to the delay and uncertainty that we want to tackle. In addition, it would undermine the democratic role of local

authorities and would fail to give communities social and environmental justice. As we have said before, it would reward strong communities and punish weak ones.

Amendment 123, in the name of my colleague Jackie Baillie, proposes the introduction of a community right of notification procedure, which some people support as a compromise to ease the debate on appeal rights. However, the proposal presents difficulties. First, it would introduce more formal procedures and more delay into the planning system. Under the system that we propose in the bill, the key controversial cases will be notified to ministers. For those cases, the community right of notification procedure would not be relevant and would not give community bodies any meaningful extra input into the system.

The proposed procedure would make a difference in cases in which a community disagreed with the local authority's judgment that an application need not be notified. In those circumstances, no one can tell me that we would not be opening up the opportunity for a huge range of applications to be notified on the ground that communities thought that notification was deserved. There would be no one to mediate or to make a judgment on such matters at local level. The procedure would come in when a local authority was not to be trusted on the notification responsibilities with which it had been charged and it would mean that the role of elected local authorities in taking reasoned judgments on behalf of their communities would be significantly undermined. All the evidence suggests that local authorities are almost overcautious and that they notify when they think that a proposed development qualifies for notification.

Secondly, the proposed procedure would reduce the incentive for communities, developers or local authorities to engage seriously in the early stage of the process. We know that some bodies are not keen on such engagement. Under amendment 123, a community body, without having to prove that it represented a significant body of opinion, could simply take the decision out of the local authority's hands and allow the minister to judge whether the decision should be made at the centre. Our aim is to reduce the procedural complexity and delay that plague the current system, and to challenge people to engage at an early stage. Amendment 123 does not achieve either of those aims, nor does it assist the process of modernisation of the system, so I urge Jackie Baillie to seek to withdraw it.

Amendments 130, 131 and 132, in the name of Sandra White, together with amendment 129, in the name of Patrick Harvie, seek to introduce into the planning system a form of third-party right of appeal. Amendment 133, in the name of Dennis

Canavan, seeks to introduce a slightly more open form of third-party right of appeal. Those amendments are unnecessary and unwelcome.

Dennis Canavan almost hit the nail on the head when he said that we do not want to provide a charter that would allow every nimby in the country to get support, but the problem is how we define what a nimby is. From where I am sitting, it sometimes seems that people's attitude is, "I am not a nimby, but everyone who disagrees with me is." We must confront that challenge when we address the planning process.

It is understandable that at both stage 1 and stage 2 the Communities Committee rejected the arguments in favour of third-party right of appeal. The Executive has carefully considered the arguments for and against its introduction. Although we recognise the depth of feeling that exists, we do not think that TPRA is the way forward.

I am baffled by the sudden appearance of amendments from Rosemary Byrne at such a late stage. She has popped up at the last minute to discuss an issue that the rest of us have engaged with fully. She wants to leave appeal rights exactly as they are, which is absurd. No one agrees that that is desirable. We have always said that a crucial part of restoring trust in the planning system is to ensure that, as far as possible, appeals are limited to reviews of the original decision so that applicants cannot introduce material that should have been available to the planning authority and the local community. We want to prevent people from abusing the first-party right of appeal but, for some bizarre reason, Rosemary Byrne wants to stop us.

On amendment 85, people can already make their case to us about why they think that an application should be called in by ministers. We have already taken into account the issues that amendment 85 seeks to address. It would simply duplicate and complicate existing provisions.

With the leave of the Presiding Officer, I want to make an important point about amendments 124 and 127, in the name of Euan Robson. We understand that some members want to enhance some of the ministerial notification requirements by including them in the bill. That is the intention behind amendments 124 and 127. However, they would oblige ministers to call in all planning applications that involved development proposals that were contrary to the development plan or in which the planning authority had some interest. I know that that is not the intention of Euan Robson and other members who have an interest in the issue. Decision making would be centralised not just for a small number of contentious development plans but for a host of minor and inoffensive proposals. That would cut across

everything that members said yesterday about the role of local authorities and local democracy. Many more applications would be called in by ministers.

However, we acknowledge Euan Robson's concerns and understand why some people are worried about the way in which some planning applications are handled. We have already made clear our commitment to enhancing the scrutiny of local authority interest developments and departures from development plans. Planning authorities must carry out a range of developments in the exercise of their duties. In addition, they own significant amounts of land, which might sometimes be needed for new development. It is essential that councils respect the formal process and the inherent fairness of the planning system and that they treat any proposal in which they have an interest openly and in the same way that they would treat any other proposal.

On 13 September, I said to the Communities Committee:

"planning authorities will be required to notify other applications, including certain local authority interest cases".—[*Official Report, Communities Committee*, 13 September 2006; c 3928.]

I confirm that planning authorities' requirement to notify will go beyond the existing categories of notifiable applications. As I said at the time, that requirement will be backed up by the full force of the law.

Development plans are central to shaping future development in all our areas, so it is reasonable and, indeed, essential to expect that planning decisions will be taken in accordance with those plans. However, sometimes departures from them are necessary and it is vital that they are scrutinised carefully.

Our policy and proposals are clear. When a local authority intends to permit an application in which it has an interest, but that application either constitutes a significant departure from the development plan or faces a substantial body of objections, the authority must first notify Scottish ministers, who will consider whether to call it in. I believe that what we are suggesting will meet the demands of Euan Robson and will avoid the dangers that the amendments unintentionally present. We are committed to scrutiny in those circumstances, which is far more proportionate than the suggestion that ministers should call in every application that met the proposed criteria. I urge Euan Robson not to move amendments 124 and 127.

In summary, it is fundamental to the success of the planning modernisation package that we retain the focus on ensuring that local authorities, local communities and applicants work together from

the outset to achieve sustainable outcomes. We do not want to let anyone off the hook in the early stages of the process. The challenge of meeting the participation standards is written into the process. Developers will not get away with ticking a box.

I urge members to recognise that the balance of the package of measures that the bill offers, which has been shaped by the committee, will give comfort and support to local communities in shaping their environments and to local authorities in exercising their crucial role. It will also provide the opportunity for the planning system to deliver the economic development and transformation of our communities that we all wish to see.

The Deputy Presiding Officer: I realised the significance of the point that the minister was making, but I suspect that we will need to make up time later on.

I said that I would give Jackie Baillie three minutes, so I will honour that.

Jackie Baillie: Thank you, Presiding Officer. I will try to take less than that.

The debate has been both passionate and disappointing. Many of the points that have been made have been based on a perception of what amendment 123 seeks to do, rather than on what it is actually trying to do. I am genuinely disappointed that some colleagues have not taken the time to examine the detail of my proposal.

I want to deal with the different views that have been expressed, beginning with those of Euan Robson, Dave Petrie and John Home Robertson. I say to Euan Robson that of course there will be different views. That is the beauty of working in communities. There were different views when we had two-tier local authorities. Applications are already sent to ministers for a 360° view and we think that they can continue to cope with that.

I say to both Euan Robson and John Home Robertson that we seek to allow ministers to set the criteria under which community bodies will be registered with their local authority each year. We think that it is important to recognise local knowledge and to prevent the formation of the nimby groups to which Andrew Arbuckle referred—I am sure that he meant to suggest not that his community is made up of groups of nimbys, but that people have genuine and serious concerns about planning matters. We recognise that there may be difficulties, which is why we have sought to give ministers enabling powers to set out criteria for the community bodies that will be recognised.

I say to Karen Whitefield that there will be no restriction on the developer's right of appeal, except that the timescale will be reduced from six

months to three months. We understand why the Executive has gone for that approach and we do not demur from it. In our proposal, we have gone with the grain of the Executive's approach, both as regards the criteria for notification and the process that would otherwise be followed.

I say to Susan Deacon that I acknowledge her passion and her commitment to her community. As a member of the committee that considered the petition from Musselburgh racecourse, I know just how difficult some of the issues are when there is a clear local authority interest. Such a proposal would fall to be considered under a community right of notification.

I will talk briefly about what happens now and illustrate that with the example of a local supermarket development on what is probably the prime amenity site in my town. As it is a local authority interest case, the decision to call it in should have been relatively quick, but it took 700 letters from some very articulate people for that to happen. For the Executive to have to respond to 700 letters is not a good use of its time. Also, it leaves less articulate communities without a voice.

Our procedure is simpler and transparent. It is not a question of trust, as Scottish ministers already overrule local authorities' decisions through the notification procedure. Our approach is fair and proportionate. It gives rights to communities, not only at the start of the process but throughout it. It will deliver certainty for communities, local authorities, and—above all—developers.

The Deputy Presiding Officer: I infer from what you said, Ms Baillie, that you are pressing the amendment.

Jackie Baillie: I am indeed.

10:45

The Deputy Presiding Officer: The question is, that amendment 123 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Boyack, Sarah (Edinburgh Central) (Lab)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Eadie, Helen (Dunfermline East) (Lab)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Gibson, Rob (Highlands and Islands) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
Lochhead, Richard (Moray) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Campbell (West of Scotland) (Ind)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Morgan, Alasdair (South of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Sheridan, Tommy (Glasgow) (Sol)
Stevenson, Stewart (Banff and Buchan) (SNP)
Swinburne, John (Central Scotland) (SSCUP)
Swinney, Mr John (North Tayside) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
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)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
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)
Johnstone, Alex (North East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 45, Against 74, Abstentions 1.

Amendment 123 disagreed to.

Section 16—Local developments: schemes of delegation

The Deputy Presiding Officer: Group 19 is on procedure in relation to appeals or reviews. Amendment 13, in the name of the minister, is grouped with amendments 32 and 33.

Malcolm Chisholm: Amendment 13 is a technical drafting change to ensure consistency with other provisions in the bill. It clarifies the relationship between proposed new section 43A(11) and proposed new section 43B in the principal act and brings the wording into line with equivalent provisions relating to appeals in section 18 of the bill.

The thrust of our proposals for handling appeals and local reviews has always been that procedures should focus on a review of the original decision rather than on fresh, full consideration of the proposal. That means that,

apart from exceptional circumstances, new matters should not be introduced, nor new information provided that was not put before the authority when the original determination took place.

Amendment 13 underlines the fact that proposed new section 43B applies to the regulations in which the form of and procedures for local reviews will be set out—that apart from the general entitlement to have regard to the development plan and to other material considerations, a party to a review should not raise a new issue unless it was impossible to do so beforehand or exceptional circumstances apply.

Amendment 32 will ensure that regulations covering the review of decisions that are taken under schemes of delegation provide planning authorities with a level of discretion as to how the review, or any stage of it, is carried out. That is consistent with our approach that local issues should be considered locally. It will enable planning authorities to determine the circumstances in which, for example, they may wish to take oral evidence or additional written evidence. Although the focus should be on the efficient review of a case, it is important that planning authorities have discretion within the framework of the regulations to apply the procedures that they consider fit the circumstances of each case. Amendment 32 will enable regulations to be made under which discretion can be conferred on planning authorities.

Finally, amendment 33 is a general provision to ensure that regulations that are to be made setting out the procedure for appeals under the legislation may confer discretion on ministers or on reporters over the manner in which appeals should be handled. That is of key importance in ensuring that our proposals for reforming the planning appeal system ensure that the procedures become less adversarial but no less robust. I ask the chamber to support the three amendments in the group.

I move amendment 13.

Amendment 13 agreed to.

Amendment 32 moved—[Malcolm Chisholm]—and agreed to.

Section 17—Call in of applications by Scottish Ministers

The Deputy Presiding Officer: Does Euan Robson wish to move amendment 124?

Euan Robson: In light of the minister's view that there is a risk that amendment 124 is defective, I will not move it.

Amendment 124 moved—[Tricia Marwick].

The Deputy Presiding Officer: The question is, that amendment 124 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 29, Against 78, Abstentions 7.

Amendment 124 disagreed to.

The Deputy Presiding Officer: Does Pauline McNeill wish to move amendment 125?

Pauline McNeill: No.

Amendment 125 moved—[Christine Grahame].

The Deputy Presiding Officer: The question is, that amendment 125 be agreed to. Are we agreed?

Members: No.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 35, Against 77, Abstentions 2.

Amendment 125 disagreed to.

The Deputy Presiding Officer: Does Euan Robson wish to move amendment 127?

Euan Robson: No.

Amendment 127 moved—[Christine Grahame].

The Deputy Presiding Officer: The question is, that amendment 127 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 7.

Amendment 127 disagreed to.

The Deputy Presiding Officer: Does Pauline McNeill wish to move amendment 126?

Pauline McNeill: No.

Amendment 126 moved—[Christine Grahame].

The Deputy Presiding Officer: The question is, that amendment 126 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)

Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 34, Against 78, Abstentions 2.

Amendment 126 disagreed to.

Section 18—Appeals etc

The Deputy Presiding Officer: Amendment 128, in the name of Rosemary Byrne, has already been debated. I remind members that if amendment 128 is agreed to, amendments 85 and 129 to 134 will be pre-empted.

Ms Byrne: As amendment 128 would pre-empt amendments lodged by Patrick Harvie, Donald Gorrie, Sandra White—

The Deputy Presiding Officer: No—you must say whether you are moving the amendment.

Ms Byrne: I will not move amendment 128, and I ask members to support those other amendments.

Amendment 128 not moved.

Amendment 85 moved—[Donald Gorrie].

The Deputy Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
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)
Davidson, Mr David (North East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
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, Marilyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
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)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (Moray) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Campbell (West of Scotland) (Ind)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
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)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
Morgan, Alasdair (South of Scotland) (SNP)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Oldfather, Irene (Cunninghame South) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Petrie, Dave (Highlands and Islands) (Con)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Radcliffe, Nora (Gordon) (LD)
Robison, Shona (Dundee East) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Swinney, Mr John (North Tayside) (SNP)
Wallace, Mr Jim (Orkney) (LD)
Watt, Ms Maureen (North East Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 14, Against 95, Abstentions 1.

Amendment 85 disagreed to.

Amendment 129 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 129 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 35, Against 77, Abstentions 1.

Amendment 129 disagreed to.

Amendment 130 moved—[Ms Sandra White].

Members: Where is Jim Mather?

The Deputy Presiding Officer: Order.

The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 33, Against 76, Abstentions 1.

Amendment 130 disagreed to.

Amendment 131 moved—[Ms Sandra White].

The Deputy Presiding Officer: The question is, that amendment 131 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 36, Against 77, Abstentions 1.

Amendment 131 disagreed to.

11:00

Amendment 132 moved—[Ms Sandra White].

The Deputy Presiding Officer: The question is, that amendment 132 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)

Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

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

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 37, Against 77, Abstentions 1.

Amendment 132 disagreed to.

Members: Here he is. [*Applause.*]

The Deputy Minister for Justice (Hugh Henry): It is safe to come back now, Mr Mather.

The Deputy Presiding Officer: Order—Mr Henry, please.

Amendment 133 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 133 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)

Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

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

McCabe, Mr Tom (Hamilton South) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 36, Against 75, Abstentions 1.

Amendment 133 disagreed to.

Amendments 134 and 135 not moved.

Amendment 33 moved—[Malcolm Chisholm]—and agreed to.

Section 19—Duration of planning permission and listed building consent etc

The Deputy Presiding Officer: Group 20 is on listed building consent. Amendment 87, in the name of the minister, is the only amendment in the group.

Malcolm Chisholm: Amendment 87 will ensure that the reduction in the statutory time period that is attached to some applications for listed building consent, within which development must be begun, does not apply to consent that is granted before the date on which the change in the law is made. The amendment is similar to stage 2 amendment 147, which related to planning permission.

At present, planning authorities can specify the period within which work that is permitted under a listed building consent must be begun. If they do not specify a period, a statutory time limit of five years applies. Section 19 will replace the existing provision and reduce the statutory time period to three years, which will avoid some of the uncertainty about when extant listed building

consents might be implemented. Without amendment 87, consents that are granted prior to the commencement of section 19 could suddenly have their time period for starting development reduced from five years to three, which would, for example, mean that consents that previously had another two years left to run lapsed rather abruptly. To avoid unfairness to developers who planned on the basis of the existing time limit and to avoid a glut of listed building consent applications for replacement consents or extensions to time periods, we consider it appropriate to amend the bill. I therefore ask members to support the amendment.

I move amendment 87.

Amendment 87 agreed to.

Section 23A—Fixed penalty notices

The Deputy Presiding Officer: Group 21 is on fixed-penalty notices. Amendment 136, in the name of Patrick Harvie, is grouped with amendments 137 to 139, 154 and 161.

Patrick Harvie: I will be mercifully brief. My amendments 136 to 139 and 154 are intended to give the minister an opportunity to say whether the spirit of the amendments is part of the Executive's intention on how fixed-penalty notices should be used.

The basic thrust is to ask whether developers who have repeatedly contravened the requirements that have been placed on them and have been given fixed-penalty notices will be able to consider those fines to be an on-going running cost or whether repeat offences will be cranked up each time that a developer ignores the requirements that are placed on them.

I move amendment 136.

Dr Sylvia Jackson (Stirling) (Lab): I speak as convener of the Subordinate Legislation Committee, which initiated amendment 161. Section 23A of the bill introduces proposed new sections 136A and 145A into the principal act. I will not go into too much detail, but proposed new sections 136A and 145A enable the Scottish ministers to prescribe in regulations the amounts of fixed penalties. Those regulations will be subject to the negative procedure. The Subordinate Legislation Committee was content that there should be such powers, given that the level of penalty would be liable to shift, but it was greatly concerned that there was no restriction on the amounts of the fines. I could go into detail about precedents that have been set elsewhere, but as all the details are with the Executive, I need only say that the negative procedure should be changed to the affirmative procedure.

Christine Grahame: I support Patrick Harvie's amendments 137 and 139, which provide that the ministers

"must provide for a higher amount to be payable"

by repeat offenders. That is terribly important. I am told that, when penalties are imposed, they are often not paid. There should perhaps not be a three-strikes-and-you're-out system for developers who have a bad track record, but they should certainly face increased fines.

Johann Lamont: Section 23A is an important section because it addresses the concern in local communities that, if conditions are not enforced and there are no consequences, a vicious downward spiral is created and people have less and less faith in the system, no matter what conditions are applied. There has been consensus on the desire to address enforcement, which is why we established our position on fixed-penalty notices.

Provision for ministers to set higher fines for fixed-penalty notices is already provided for in proposed new sections 136A(11) and 145A(11). At stage 2, I made clear our intention that the level of fine would reflect previous contraventions of planning controls. Indeed, we propose to go further than Mr Harvie and consider not only previous fixed penalties, but other enforcement action, such as prosecution for breach of an enforcement notice. Members will recall from the stage 1 debate that we do not want businesses simply to write in fixed-penalty notices as an add-on cost and that such fines are not a replacement for prosecution, which will remain an option. Amendments 136 to 139 are therefore unnecessary, and I urge members to reject them.

Amendment 154 would, in effect, enable planning authorities to refuse planning permission on the ground that the developer had in the past been the subject of a fixed-penalty notice for a breach of a planning enforcement notice. We do not believe that such a measure would be appropriate, justifiable or even legally enforceable, and we are keen that the issue be addressed in guidance. It would not be appropriate to create a situation in which a person's entitlement to develop his or her property is determined not on the merits of the application but on other, unrelated matters. We acknowledge members' concerns about developers who conduct themselves inappropriately, but I urge members to reject amendment 154.

Amendment 161, which Sylvia Jackson has lodged on behalf of the Subordinate Legislation Committee's, would ensure that the regulations issued under proposed new sections 136A and 145A to set the levels for fixed-penalty notices would be subject to the affirmative procedure. It is

our intention to introduce a scale of fixed penalties that reflects a developer's previous track record on complying with planning controls. I recognise that members have been concerned about the lack of detail on those matters in the bill, but it is more effective for such detail to be included in secondary legislation, to allow for amendment at a later date. However, we accept that there is much interest in the content of the regulations and, as a result, I would be happy to bring them forward through the affirmative procedure. Therefore, I recommend that members accept amendment 161.

Patrick Harvie: I agree with the minister about the importance of section 23A. I am happy to have assurances on the record and I ask permission to withdraw amendment 136.

Amendment 136, by agreement, withdrawn.

Amendments 137 to 139 not moved.

After section 24

Amendments 141 and 140 not moved.

Section 26—Tree preservation orders

The Deputy Presiding Officer (Trish Godman): Group 22 is on tree preservation orders. Amendment 14, in the name of the minister, is grouped with amendments 15 and 142 to 145.

Malcolm Chisholm: The effect of amendments 14 and 15 will be that, in cases where the Scottish ministers grant planning permission—such as appeal cases or cases that have been called in—they will be required to ensure that adequate provision is made for the preservation or planting of trees by the imposition of conditions. Therefore, I recommend that amendments 14 and 15 be accepted.

Amendments 142 and 143 seek to alter and extend the circumstances that could trigger the making of a tree preservation order. As we said at stage 2, the bill introduces additional circumstances for making tree preservation orders, based on cultural and historical significance. That came out of consultation with a wide range of stakeholders in 2004 and 2005 and will allow, for example, for old trees, rare trees or trees that are connected with particular historical events to have special protection.

The first proposed paragraph in amendment 143 relates to the appearance of the locality, which is already covered by the principal act's existing powers on the interests of amenity. "The interests of amenity" is a long-standing term, but it is also a broad term, and we intend to provide further guidance on its interpretation in future. Although the first two subparagraphs of the second

proposed paragraph in amendment 143 are covered by the new provisions in the bill on cultural and historical significance, the final subparagraph, which concerns biodiversity, is new. However, biodiversity is better protected by other policy mechanisms, such as sites of special scientific interest.

The bill's new provisions on cultural and historical significance offer new powers to protect a wider range of trees. The additional measures that Robin Harper seeks to introduce are not justified, therefore I recommend that amendment 143 be rejected.

Amendment 144 is a repeat of Robin Harper's stage 2 amendment 213, which sought to give the Scottish ministers powers to compile a register of trees of special interest and the ability to approve, with or without modifications, a register of such trees compiled by another person. Having given further thought to the proposal following the stage 2 debate, we are still of the opinion that the measures should be rejected. The bill introduces provisions that will allow tree preservation orders to be made in respect of trees, groups of trees and woodlands if it is expedient to do so in the interest of amenity and/or the trees, groups of trees or woodlands are of cultural and historical significance. Therefore, for the first time, tree preservation orders will be able to be made to preserve trees with cultural and historical merit that are not under threat. In addition, the bill introduces provisions that will make all tree preservation orders have immediate effect and allows for an emergency power for planning authorities to prohibit tree operations.

The provisions in the bill offer new opportunities to protect special trees, strengthen powers of protection and are pro-active on the protection of cultural and historical trees, therefore the case for a statutory register of trees of special interest is not justified. I recognise that having a non-statutory register may be attractive for the purposes of funding, managing or promoting trees, but that is not a matter for the bill, therefore I recommend that amendment 144 and amendment 145, which is consequential, be rejected.

I move amendment 14.

11:15

Robin Harper (Lothians) (Green): Amendments 142 and 143 would add rarity value and biodiversity to the criteria for making tree preservation orders. Under the bill as amended at stage 2, a TPO can be made only if it is

"in the interests of amenity"

or if

“the trees, groups of trees or woodlands are of cultural or historical significance.”

Trees make a significant contribution to biodiversity in urban and rural settings. Old and ancient trees, standing or fallen, host a significant proportion of our most endangered wildlife, and they are rare organisms in their own right. The guidance contained in national planning policy guideline 14 would not protect such trees from development or felling by their owners. The use of designations such as site of special scientific interest, to which the minister referred, would incur significant bureaucracy and would be costly—a point that the Executive raised in objecting to having a register. The simplest procedure for ensuring the widespread protection of trees on the basis of rarity value or biodiversity value would be to extend the provisions of the TPO system to include biodiversity. I strongly urge the Parliament to vote for amendment 143 in the interests of biodiversity.

Amendments 144 and 145 contain a proposal to compile, maintain and update a register of trees of special interest. Listed buildings get status, so why should there not be listed trees? The trees on such a register would be exceptional. They would be notable for their great age, their important historical and cultural associations, their exceptional size or their outstanding form and character. They would be linked with local communities and would have a unique Scottish connection. They would probably number no more than a couple of hundred in Scotland. Heritage trees provide a living link with Scotland's history and culture. They are a unique, but vulnerable, part of our natural heritage.

We have lost quite a lot of trees to vandalism recently. The most important point is that the TPO system does not protect against vandalism, because it is reactive. If a tree is under threat from development, a TPO will protect it. If it is under threat from inappropriate maintenance, a TPO will protect it. However, TPOs are not proactive. They do not ensure that our ancient trees are properly cared for.

There has been cross-party support for the ideas contained in amendment 144, and there are at least five further reasons why I urge the Parliament to vote for it. To start with, it is permissive. It states:

“The Scottish Ministers may compile a register”.

We took out “must” from our original draft, to which the Executive had objected. In response to Euan Robson's objection that our original draft did not allow for appeal, amendment 144 would allow for appeal. The proposal would not be costly. A register would afford trees greater protection and status. It would not duplicate the TPO system, as

the Executive has argued. It would be complementary and would add to it.

Registers already operate in Europe, notably in Sweden and Poland. Sweden is spending £35 million a year on an action plan for trees with high conservation value. Poland, which has a low gross domestic product, has invested in a national list of protected trees.

I ask members to consider our proposals and to vote for them.

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

I support Robin Harper's amendments 142 to 145, as I supported the equivalent amendments at stage 2. I should record that I received a special tree when we were being lobbied in the Parliament some months ago. I am happy to report that, despite my tender mercies, it is still alive.

Robin Harper makes an eloquent case. Most of us who live in urban areas particularly appreciate the trees that surround us. It is important that they are protected. In addition, we need a register of the many special trees in Scotland. The register could bring visitors to areas if they know where the trees are and can find out about their significance. I am happy to support Robin Harper's amendments.

Malcolm Chisholm: As I already indicated, I am not saying that there are no arguments for a non-statutory register, but we just do not think that it would be appropriate for that to be dealt with in the Planning etc (Scotland) Bill. Robin Harper said that a tree preservation order does not protect against vandalism. Self-evidently, a register would not, in itself, protect against vandalism either. In that sense, a register would not add anything to the enhanced tree preservation order powers that we are putting into the bill.

Robin Harper acknowledged that the site of special scientific interest mechanism could work. He objects to it because he feels that it is bureaucratic, but the SSSI mechanism is no more bureaucratic than what he proposes.

We all support the objectives that Robin Harper has outlined, but we think that the measures that we have put into the bill, complemented by Executive amendments 14 and 15, will serve to achieve them.

Amendment 14 agreed to.

Amendment 15 moved—[Malcolm Chisholm]—and agreed to.

Amendment 142 moved—[Robin Harper].

The Deputy Presiding Officer: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)

Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 37, Against 70, Abstentions 1.

Amendment 142 disagreed to.

Amendment 143 not moved.

Amendment 144 moved—[Robin Harper].

The Deputy Presiding Officer: The question is, that amendment 144 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 37, Against 72, Abstentions 1.

Amendment 144 disagreed to.

Amendment 145 not moved.

After section 26

The Deputy Presiding Officer: Group 23 is on high hedges. We have until 11.40 for this group. I ask members to keep that in mind. Amendment 146, in the name of Dave Petrie, is grouped with amendment 147.

Dave Petrie: High hedges have been on the agenda since the Scottish Parliament started in 1999. I will begin with an illustration. Let us picture the scene. Scott Barrie decides to celebrate his arrival in Parliament by planting a leylandii. If that leylandii was planted in 1999, it would be likely to have reached the same height as the ceiling of this chamber by now. That illustrates the problem.

The concerned residents who are suffering on a daily basis from the blight of high hedges have suffered for far too long. We have had cross-party agreement here for seven years, yet nothing has been done. Campaigners throughout Scotland have lost faith in the Parliament and in Scott Barrie, who has driven the subject for seven years, because nothing has been done. Today, we have

a golden opportunity to put something in the bill that will end immediately the blight of high hedges.

My proposals are straightforward and would require minimum intervention from local authorities. In the initial phases, neighbours would agree to a solution. My garden has trees with which my neighbours might be unhappy. If they want to take the tops off, that does not bother me. *[Laughter.]*

The Deputy Presiding Officer: Order.

Dave Petrie: Solutions can be achieved by local agreement. With English legislation it has been proved that problems can be solved by reaching local agreements without local authority intervention. If neighbours are not speaking to each other, the next step is mediation, which has worked in several cases. Intervention by local authorities is a last resort.

If we do not agree to amendment 146, we could face another seven years of waiting.

John Home Robertson: Did I hear the member right? Did he say that amendment 146 would immediately stop trees and hedges growing? Do we have such power?

Dave Petrie: I know that John Home Robertson is heading for another place and that his concentration level is perhaps not that high, but what I said was straightforward: if amendment 146 is agreed to, it could end the blight of the high hedge problem. I should not have had to repeat that.

I understand that the Executive previously rejected dealing with the subject under the justice portfolio, but that that is being reconsidered—that is another delay.

I am sure that my good friend Christine Grahame will not move her amendment 147 after my amendment 146 succeeds. I say with respect to her that her amendment is too prescriptive and would place too much of a burden on local authorities, but I will probably talk about that after she has spoken.

As I said, high hedges can be dealt with in the bill. We cannot afford to wait another seven years, so I appeal to members to take the opportunity to support my amendment 146.

I move amendment 146.

Christine Grahame: As Mr Petrie said, the Minister for Justice said five years ago that the Executive had

“decided in principle that a statutory remedy of last resort is required, involving ... enforcement action in appropriate cases”.—*[Official Report, Written Answers, 31 January 2001; Vol 10, S1W-12936 and S1W-12171.]*

Nothing has happened. Scott Barrie lodged a proposal for a bill, but nothing happened, at least until two days ago, when he reintroduced his proposal—no surprises there.

John Home Robertson made light of the matter—I know that high hedges can be the subject of many a jocular intervention—but at stage 2 he said:

“I would hope that, between now and stage 3, the minister and the Scottish Executive could use their collective wisdom to draft an amendment that will protect the people in our constituencies.”—*[Official Report, Communities Committee, 13 September 2006; c 3893.]*

So much for collective ministerial wisdom.

I will make brief points about Dave Petrie’s amendment 146. The operation of his proposal would be triggered by nuisance or damage, but he should not try to borrow English legislative clothes—nuisance is an English concept and would not work in Scottish legislation. Damage would not deal with the real issue, which is obstruction of light, whereas a hedge that obstructed light would fall foul of the first test in my amendment 147. The process in amendment 146 would also be cumbersome. As for the definition of a high hedge in that amendment, I must claim with embarrassment copyright of the expression “wall-like”, but that was a sabotage move by me—I may no longer be Mr Petrie’s friend—as the definition in his amendment does not match up to the definition in my amendment.

My amendment 147 sets out a simple procedure that is triggered by two factors. I think that Mr Petrie told me that specifying 2m was too prescriptive. I would agree, if height were the only trigger, but my amendment says that a high hedge must be at least 2m high and that it must affect the reasonable enjoyment of the subjects. That covers what we are trying to get at. The other trigger in my amendment is that a high hedge must obstruct and be a barrier to light. I use the term “barrier” because such hedges are used as barriers—as a neighbour’s weapon of war. The minister might have mentioned that.

11:30

As for the steps that would have to be taken, members will note that proposed new section 178A(1) in my amendment says that neighbours must have taken reasonable steps to resolve the dispute between themselves. If a complaint were lodged thereafter, an inspection would be conducted to determine whether the definition of a high hedge was applicable and whether the hedge blocked the reasonable enjoyment of the subjects who were adjacent or around. Thereafter, a notice of the complaint would have to be served with a copy of the inspection report, and the party who was complained of would have to have the

opportunity to respond and to have a further inspection.

The process is not really that bad. A planning officer would just come along—officers inspect people's drains all the time—inspect the hedge, take out his tape measure and decide whether the hedge blocked the light and disturbed reasonable enjoyment. A copy of the inspection report would be sent to the neighbour. A notice of complaint would be sent by recorded delivery, so there could be no excuse about not receiving it.

If the dispute were not resolved, the owner or occupier would have to take action, but even the timescale for that is not prescriptive—it is to be done

“within 28 days, or such ... period as is ... reasonable”.

If the owner or occupier did not take action, the authority would do so and would charge them for it. That is simple. I have collective wisdom all of my own.

The Deputy Presiding Officer: I call Scott Barrie, to be followed by Phil Gallie. Scott Barrie has two minutes.

Scott Barrie (Dunfermline West) (Lab): It is interesting to see friends fall out.

On amendment 146, in the name of Dave Petrie, I say that it is not good enough just to acknowledge a problem and to lodge at stage 3 an amendment that offers no solution. I remind members that Dave Petrie's solution is that the Scottish ministers must consult within a year and produce legislation. That is not good enough.

The Parliament has not seen legislation on high hedges because, although the issue is clear to identify, the solution is not as clear. At least Christine Grahame has attempted to produce a solution in amendment 147. I congratulate her on that.

Dave Petrie: Will the member take an intervention?

The Deputy Presiding Officer: Scott Barrie can take no interventions as he has only two minutes.

Scott Barrie: I am not entirely convinced that Christine Grahame has produced the right solution.

Members will be aware that this week I lodged an extensive consultation document that offers various solutions to the problem. It will allow people to say what they think is the best way forward. I remind members that local authorities do not wish to be the final arbiters in high-hedge disputes. It is easy for people to say that local authorities should define the problem and decide when to address trees or hedges, but they do not wish to have that power. The consultation

document that I have issued does not just borrow from English legislation, which Christine Grahame talked about; it offers a different legal solution, if that is what people want. It is important for people—including those in local authorities, those who are blighted by the problem and those who own hedges—to have a say in who the final arbiter should be. The consultation will allow them to do that.

I am glad that many people are interested in the subject. Members might think that it is strange to introduce a consultation at this stage, but it will allow anyone—because no single person has copyright of an idea in this place—to introduce legislation early in the next parliamentary session, when we can have a proper debate.

Phil Gallie (South of Scotland) (Con): It gives me no pleasure to follow Scott Barrie on this issue. I followed him back in 2002, when I backed his high hedges bill, which was kicked into the long grass. Scott Barrie's bill has suddenly and inconveniently emerged from the long grass when we are debating Dave Petrie's absolutely excellent amendment.

Scott Barrie: Will the member take an intervention?

The Deputy Presiding Officer: Phil Gallie has only two minutes.

Phil Gallie: I raised the issue back in 2002 with amendment 45 at stage 2 of the Land Reform (Scotland) Bill. The relevant minister, Allan Wilson, kicked that amendment into the long grass, but at that time almost everybody in the Parliament said that they supported the principle. Taking six or seven years to address that principle is far too long.

We were told that devolution would speed up the legislative process and that we would be able to achieve commonsense objectives far more quickly. However, Westminster has achieved the objective that we have not. Perhaps we should learn from that. I plead with everybody in the chamber to follow their principles and give Dave Petrie's amendment 146 100 per cent backing.

Johann Lamont: Amendments 146 and 147 are similar to an amendment that Dave Petrie lodged at stage 2, and seek to give planning authorities powers to control high hedges.

I repeat what I said at stage 2: I do not want to minimise the significance of the nuisance that high hedges often cause. I recognise and am appalled by the capacity of people in our communities to grow such hedges and cause distress to people who live near them. We must take the issue seriously.

The powers that the proposals would introduce are similar to the powers to control high-hedge

nuisance that are contained in the English Anti-social Behaviour Act 2003. At stage 2, I emphasised that problems relating to high hedges are a nuisance issue rather than a land use planning issue. The inclusion of high hedges in the English Anti-social Behaviour Act 2003 clearly emphasises that. However, the degree to which Opposition members have been exercised by the form of antisocial behaviour that we are discussing is bizarre, as they were often hostile—or at best ambivalent—to measures that we proposed to deal with the culture of antisocial behaviour in our communities.

The Executive continues to support the principle of a statutory remedy of last resort for disputes about high hedges, but we want separate legislation, such as Scott Barrie's proposed member's bill, rather than the Planning etc (Scotland) Bill to deal with the matter. It is incumbent on all members to be honest and to acknowledge that the challenge for all of us is not to identify the problem but to delineate the solutions. Scott Barrie has proposed a member's bill, but parliamentary procedures do not prevent any other member from proposing legislation. Members who are exercised by the matter could have made their own proposals. I contend that that has not happened because, although the problem is a challenge, identifying the solutions is much more difficult. That is the nub of the issue, although it does not mean that there are no solutions. We should welcome the consultation paper on Scott Barrie's proposed bill.

Christine Grahame's amendment 147 characterises the challenge that we face. She talked about a planning officer just coming along. We want an efficient system, the best use of resources and enforcement rather than a cycle in which a high hedge is assessed, cut down and another assessment is required when the hedge grows again. A difficult problem is involved, but we know what it is. Scott Barrie's consultation paper is an opportunity for all of us to consider how such matters should be addressed. Therefore, I recommend that members reject amendments 146 and 147.

Dave Petrie: I will brief, as time is not on our side. The consultation that Scott Barrie launched yesterday is identical to the consultation that he launched years ago.

Scott Barrie: On a point of order, Presiding Officer. It is certainly not identical to the previous consultation. Dave Petrie's comment shows how much of the consultation he has read.

The Deputy Presiding Officer: That is not a point of order.

Phil Gallie: On a point of order, Presiding Officer. Yesterday, I received intimation of Scott

Barrie's consultation and e-mailed him to ask how it will differ from the previous consultation. He said that it will not.

The Deputy Presiding Officer: That is not a point of order either. Perhaps the points that have been made would be points of information if there were such things.

Dave Petrie: Phil Gallie's answer illustrates the farce of the consultation. We had the opportunity to change things six years ago.

Christine Grahame: I remind members that at stage 2, Euan Robson said that 1,300 responses were received to the Executive's consultation on the matter in 2000-01. Those have been sat on since then. We do not need another consultation.

Dave Petrie: If members reject my proposals, we will face a wait of another seven years. If they agree to them, we will not.

The Deputy Presiding Officer: The question is, that amendment 146 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Davidson, Mr David (North East Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 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)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)

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

Byrne, Ms Rosemary (South of Scotland) (Sol)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Sheridan, Tommy (Glasgow) (Sol)

The Deputy Presiding Officer: The result of the division is: For 17, Against 94, Abstentions 8.

Amendment 146 disagreed to.

Amendment 147 moved—[Christine Grahame].

The Deputy Presiding Officer: The question is, that amendment 147 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 38, Against 73, Abstentions 2.

Amendment 147 disagreed to.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:42

Employment (Dunfermline)

1. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive how it is supporting employment in the Dunfermline area. (S2O-11097)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): The smart, successful Scotland enterprise strategy that is being pursued by our enterprise networks, and a range of other measures including the regional selective assistance scheme, workforce plus and training for work, help to support prosperity. Those measures have increased employment in Dunfermline and other communities throughout Scotland.

Scott Barrie: The minister is right to acknowledge the growth in employment in the Dunfermline area. However, the closure of the Lexmark International (Scotland) factory earlier this year and the announcement that the Soletron Scotland facility will close within the next few months mean that more than 1,000 jobs will have been lost in Dunfermline. Can the minister assure me that Fife in general and Dunfermline in particular will still qualify for assistance to attract new jobs, and that Scottish Enterprise Fife will receive all the assistance it requires to ensure that employment growth continues in west Fife?

Allan Wilson: I give Scott Barrie a categorical assurance on that.

In 1999, the claimant count unemployment rate in Dunfermline was 5.4 per cent. That rate has now been reduced to 3.7 per cent, which is indicative of the improvement in Dunfermline's relative employment position in the period. Furthermore, RSA support has resulted in the creation or safeguarding of more than 1,300 jobs. We intend to continue those types of support and to give individual support to people who are affected by, for example, Soletron's recent decision to close. Our partnership action for continuing employment initiative will help such people to access alternative employment opportunities in Dunfermline and the wider Fife region.

Bruce Crawford (Mid Scotland and Fife) (SNP): I received a helpful and detailed written response from Nicol Stephen on the issue on 14 November, for which I give my thanks.

Does the minister accept that future employment in the Dunfermline area is materially linked to the future of the Forth road bridge? Will he confirm when the Scottish Executive will commit to the principle of a new crossing of the Forth? Does he accept that although Scott Barrie has said publicly that Labour is in favour of a new Forth crossing, we do not yet know the Scottish Executive's position? Is it not time to clear the matter up?

Allan Wilson: That is a matter for my colleague, the Minister for Transport, in the first instance. However, I agree with Bruce Crawford that improving transport infrastructure—the Forth road bridge in this case—is absolutely vital to the future economic development not just of Fife but of the surrounding areas, as I said in the chamber only last week. That is generally true of road and other transport infrastructure projects, which is why we have invested so heavily in such developments and will continue to do so post May next year.

Planning Gain Supplement

2. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive what recent representations it has made to the United Kingdom Government regarding the planning gain supplement. (S2O-11089)

The Minister for Communities (Malcolm Chisholm): We are aware of the very many concerns raised by local authorities, developers, professionals and others about the outline proposals. We have continued to discuss those concerns with the Treasury as it develops the proposals further. Our aim is to secure a sensible and workable solution for Scotland.

Euan Robson: Will the minister redouble his efforts to ensure that there is no prejudice to section 75 agreements that are often operated under present legislation to the advantage of communities?

Malcolm Chisholm: I acknowledge the success of section 75 agreements in capturing the planning gain supplement in support of related developments. Euan Robson will know that expenditure under existing section 75 agreements will be taken into account in the proposals that have been made. However, we must wait to see the detailed Government proposals. We raised concerns in our response to the consultation about how the gain would be calculated, how funds would be distributed and various other matters. We await further news from Westminster about what is proposed.

Derek Brownlee (South of Scotland) (Con): Given that ministers have published the representations that they made to the Chancellor of the Exchequer on the planning gain supplement, will the minister explain why the

Executive is refusing a request under the Freedom of Information (Scotland) Act 2002 to publish the representations that it made to the chancellor on supplementary charges for oil and gas companies? Is it because those representations were ignored?

Malcolm Chisholm: I do not have such information about the oil and gas companies, but I will write to the member about the matter.

Glasgow to Edinburgh Rail Service

3. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what plans it has to introduce a high-speed rail service between Glasgow and Edinburgh. (S2O-11127)

The Minister for Transport (Tavish Scott): We will soon publish our rail policy document, "Scotland's Railways", as part of the national transport strategy. It will examine a number of options for improving connections between Edinburgh and Glasgow.

Karen Whitefield: Is the minister aware of the strength of feeling among my constituents in Shotts that there should be a high-speed service on the Shotts line and that it should stop at Shotts? Is he aware of the high levels of representations and will he, when considering any proposed high-speed service and its stops, consider not only the number of people who would benefit from the service but the matters of rural isolation and social deprivation?

Tavish Scott: I respect Karen Whitefield's points. Scottish Enterprise is leading a study to examine the economic impact of high-speed transport links and joint work has been done between the regional transport partnerships in the east and west to identify a possible route between Glasgow and Edinburgh, were the Scottish Enterprise study to produce a positive outcome.

While bearing in mind the need to improve the journey time between the two cities, we need to look at how we can provide the kind of service that Karen Whitefield's constituents want and at the same time consider the kind of service that people in Edinburgh and Glasgow want, which is one that is faster than the current service.

Mr Kenny MacAskill (Lothians) (SNP): The minister will be aware of press speculation that post May the Executive might consider the electrification of the Edinburgh to Glasgow line to make it into a high-speed line. Will the minister tell us how that squares with the renewal of diesel-engine capacity in the Scottish fleet that would be brought about as a consequence of the Edinburgh airport rail link scheme, which would mean that city sprinter trains could not access the proposed incline in the tunnel on that route? Why are we to

have high-speed electric trains at the same time as we renew almost all of First ScotRail's fleet?

Tavish Scott: There has certainly been much press speculation, including some involving Mr MacAskill's position on EARL, which of course changes according to which publication he writes in.

We are treating the procurement policy for the train network as a matter of urgency and will bring formal information to Parliament in due course. We aim to improve the network not only on the Glasgow to Edinburgh line but throughout the country.

It is important to be consistent, a point that Mr MacAskill misses somewhat when he discusses the proposed link to Edinburgh airport.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's willingness to consider how we can maximise use of the existing railway infrastructure between Glasgow and Edinburgh and the new range of services that could be delivered. Given that willingness to examine future options, does the minister agree that now is the time for him to ask Transport Scotland to examine long-term capacity at Waverley station? If we have ambitions to improve the railway in and out of Edinburgh and Glasgow, we need to consider that key pinch point, which will frustrate our ambitions if we do not start looking at it now.

Tavish Scott: One of the matters that need to be considered in the capital expenditure plans for Government from 2010 to 2020 will be capacity not just at Edinburgh Waverley but at Haymarket and in the west. It will be important to take into account Sarah Boyack's point when we devise our railway strategy, and in the long-term development of rail, which is a great success story in Scotland. More people are travelling by rail as an alternative to the car. We hope to continue in that direction of travel, but I take the member's points seriously.

Dennis Canavan (Falkirk West) (Ind): Given that First ScotRail's existing flagship is the Edinburgh to Glasgow line via Falkirk High, which gives Falkirk very good rail links with Scotland's capital city and largest city, will the Executive ensure that a detailed assessment will be made of the impact on the Falkirk economy should alternative arrangements be considered?

Tavish Scott: That is a fair question. It is certainly important that we take into account issues that relate to the current service in developing any transport investment in new provision of capacity on the Edinburgh to Glasgow line. That would happen through the Scottish transport appraisal guidance process anyway, but I assure Mr Canavan that the implications for the important commuter stop that he mentioned will be

part of the calculations when we consider those options.

Margaret Smith (Edinburgh West) (LD): Does the minister agree that although it is important to have a high-speed service between Edinburgh and Glasgow, it is also important that we address on-going problems of capacity and overcrowding and that we make sure that trains stop at the right places on the route? Will the minister also consider the point that I raised with him previously about the need on the Edinburgh to Glasgow route for a proper stop at Edinburgh Park in my constituency?

Tavish Scott: I was able to discuss the Edinburgh Park issues the other week with Keith Miller from Miller Developments. We plan to develop proposals to honour a sensible commitment to Edinburgh Park and we appreciate the importance of having a rail stop there to provide travel choices to many people who work in that area of west Edinburgh. The matter is under close review with Transport Scotland and First ScotRail and I hope that we will be able to make a positive announcement in due course.

Bristow Muldoon (Livingston) (Lab): On examination of whether any particular line can be used as a high-speed line, does the minister accept that the Shotts line to which Karen Whitefield referred has the potential to provide better commuting opportunities between Livingston and Glasgow and Livingston and Edinburgh, and that existing proposals could bring about short-term improvement to commuting opportunities?

Tavish Scott: I acknowledge Bristow Muldoon's points about Livingston. One of the trade-offs in rail that we must recognise and which I know Bristow Muldoon recognises is between improved journey times and commuter stops—that is one of the calculations that we are currently making. It is part of the considerations in the "Scotland's Railways" document that we will publish as part of the national transport strategy. That essential trade-off will be one of the core decisions as we develop our plans for Scotland's railways.

The Presiding Officer (Mr George Reid): Question 4 was not lodged.

Road Safety

5. Gordon Jackson (Glasgow Govan) (Lab): To ask the Scottish Executive what action is being considered to improve road safety at accident black spots. (S2O-11109)

The Minister for Transport (Tavish Scott): The Executive is addressing road safety through a combination of engineering, enforcement and education. We are, through Transport Scotland, which is responsible for trunk roads, currently

working with local authorities, who are responsible for road safety matters in their areas, including the identification and treatment of accident cluster sites. In addition, through Road Safety Scotland, the Executive engages with police forces and a wide range of other parties to promote the road safety message throughout Scotland.

Gordon Jackson: I appreciate the minister's point about engineering, but the problem is often to do not with the road but with driver behaviour—in my area, the behaviour of young drivers particularly. What steps are being taken to influence driver behaviour, especially the behaviour of young drivers?

Tavish Scott: I take Gordon Jackson's point about the importance of acknowledging driver behaviour in the accident statistics. It is tragic that young drivers are disproportionately represented in road accidents—one in five new drivers is involved in a road accident within a year of passing the driving test. The current Road Safety Scotland campaign aims to raise awareness of the dangers on rural and urban roads and is targeting young drivers.

Richard Lochhead (Moray) (SNP): The minister might be aware that following a spate of fatal road traffic accidents on roads in Moray during the past fortnight, a number of families are grieving for lost loved ones. Is he also aware that the number of fatalities on roads in Grampian this year has already exceeded the total for last year? The trend is in the wrong direction.

Will the minister consider what more can be done through education and, if necessary, regulation, to cut the number of deaths on roads in Grampian? In particular, will he consider measures to reduce deaths among young people, which Gordon Jackson mentioned? Will he meet me to discuss that important issue?

Tavish Scott: I will of course be happy to meet the member to discuss the matter. We express our condolences to Mr Lochhead's constituents at this time. He described worrying circumstances and made a fair point about the balance between education and regulation. I assure him that we will consider the matter. Driver behaviour, which Gordon Jackson mentioned, is an extremely important component of the challenge that we face, but I will be happy to consider further measures that we might take.

The Presiding Officer: Question 6 has been withdrawn.

Road Fatalities

7. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive what proportion of road fatalities in rural Scotland in the

past two years took place between sunset and sunrise. (S2O-11074)

The Minister for Transport (Tavish Scott): In 2004 and 2005, 166 fatalities out of a total of 418—that is, 40 per cent of deaths—due to accidents on non-built-up roads were reported as having occurred in darkness.

Stewart Stevenson: I thank the minister for his answer and for his comments in response to Gordon Jackson's question. Is he aware that the overwhelming majority of recent fatalities in the Grampian police area have occurred as a result of accidents at night and that the police said that driver skill—or lack of it—was a significant factor in all but one case? Will he therefore consider promoting more strongly, and giving financial support to, the pass plus scheme, which provides training on driving at night?

Tavish Scott: I acknowledge the points that Stewart Stevenson made. I am well aware of the circumstances and of the police analysis of the causes of the accidents that he mentioned. I will certainly look again at the pass plus scheme. The member knows that most of the resources that we channel into the area are channelled through Road Safety Scotland's programme, which is proven to have lasting benefits. However, I am happy to consider alternative or additional approaches that could demonstrably assist in the prevention of tragic accidents.

Central Heating Programme and Warm Deal Scheme (Western Isles)

8. Dave Petrie (Highlands and Islands) (Con): To ask the Scottish Executive how many people in the Western Isles constituency have been placed on a waiting list for installation and assessment work under the Executive's central heating programme and warm deal scheme as a result of the transition of the contract from Eaga Partnership to Scottish Gas. (S2O-11061)

The Minister for Communities (Malcolm Chisholm): Information is held by postcode area, not by parliamentary constituency. According to Scottish Gas there are in the HS postcode area currently 79 applications for the central heating programme and 11 applications for the warm deal, although actual eligibility is likely to be lower once those applications are assessed.

Both programmes remain highly successful. This year we are on track to install 12,000 central heating systems in the private sector and to insulate 12,800 homes in all tenures across Scotland. In addition, I announced yesterday to Parliament that we have allocated another £5 million this year to support both programmes.

Dave Petrie: Scottish Gas operates the warm deal scheme with an expectation to process

around 12,000 claims per year. With an estimated 12,000 applicants already on the waiting list, what does the minister plan to do to ensure that the elderly people who are in need of assistance from the warm deal scheme are not let down by the Executive this winter?

Malcolm Chisholm: There are two issues there. Dave Petrie referred to the warm deal rather than to the central heating programme, although I am not sure that that is what he meant. I will cover both, to cover both eventualities. There has been greatly increased demand for the central heating programme; I said that the figure for which we have planned this year is 12,000, but I was being cautious because, in the light of this week's announcement, we should get more than 12,000 central heating systems installed this year.

On the warm deal, we plan for a figure of 12,800 but, given this week's announcement, we should get significantly more than that. There is a problem because of increased demand. We have responded to it and we will continue to respond to it.

The Presiding Officer: Given that we started two minutes late, I will take one more supplementary question.

Mr Alasdair Morrison (Western Isles) (Lab): On behalf of my many constituents in the Western Isles who have already had central heating systems and insulation installed free of charge, I thank the Executive for what has been a life-saving and life-transforming initiative.

Mr Chisholm knows that last week I wrote to his deputy—she will be his deputy until 5 pm—Johann Lamont about issues relating to the smooth and competent transition from one delivery agency, the Eaga Partnership, to Scottish Gas. I ask the minister and his new deputy, Des McNulty, to give that transition proper and due attention.

Malcolm Chisholm: There have been transitional issues. I had a meeting on the warm deal with a particular contractor this week and we are in touch with Scottish Gas about the issue. It has been concentrating on the central heating programme and we are taking up with it some of the concerns that Alasdair Morrison raised in his letter.

First Minister's Question Time

12:02

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-2544)

The First Minister (Mr Jack McConnell): The Cabinet will discuss issues of importance to the people of Scotland.

No doubt it will also reflect on the fact that this morning the Scottish National Party broke its promise to Scottish business and voted for third-party right of appeal.

Nicola Sturgeon: Dear, oh dear. I draw to the First Minister's attention the annual review of the Scottish Children's Reporter Administration, which was published this morning. It confirms that the First Minister has broken his pledge to cut the number of persistent young offenders. Can he explain why?

The First Minister: The Scottish Children's Reporter Administration has had an increase in resources to deal with the challenge that it faces. Throughout Scotland, police forces, local authorities that have been working with them and the SCRA are finding that the number of young people being identified as causing trouble in the community, requiring action because of their offence—rather than simply care to improve their circumstances—and being moved into the system to ensure that their behaviour is tackled, is increasing. That is because of the priority that we have given to no longer ignoring those young people, but ensuring that their behaviour is turned around and that communities throughout Scotland are better protected.

Nicola Sturgeon: So, in the First Minister's language, a broken pledge actually means that the Executive is doing better. What a load of utter rubbish.

I remind the First Minister that in 2004 his Minister for Justice promised a 10 per cent reduction in the number of persistent young offenders by March this year. She said:

"We ... have ... more robust information ... we ... know who and where the young people are."—[*Official Report*, 4 November 2004; c 11589.]

She also said that the target was "achievable."

I point out to the First Minister that youth offending has not gone down by 10 per cent; according to this morning's report, it has gone up by 16 per cent. In East Ayrshire, the Minister for

Justice's own area, it has gone up by a massive 85 per cent. Is not this much more than a missed pledge? This is a Government that is going in totally the wrong direction. Instead of coming up with daft excuses, will the First Minister simply tell us what has gone wrong with his policies?

The First Minister: We know that the SNP thought that it was daft to bring in antisocial behaviour laws and to ensure that we had both antisocial behaviour orders and dispersal orders to tackle the problems of youth offending and trouble in our communities. We know that the SNP would not have made those issues a priority for this Parliament in this session. We know that the SNP has mocked, and would not have prioritised, the plans to ensure that looked-after children get better educational opportunities and that some who are young offenders are not just better looked after but, at the end of the day, are directed into the proper opportunities of life.

We know that the SNP would not have tackled those issues, but it was important that this devolved Government did tackle them. Across Scotland, there were real issues about how primarily young people, but others too, were behaving in local communities. Laws were required, and a better system inside the children's hearing system was required. At the end of the day, we hope that those young people will become better adults as a result.

Nicola Sturgeon: Is it not incumbent on the First Minister, during these sessions, to tell the truth? The SNP voted for the Antisocial Behaviour etc (Scotland) Bill, and if the First Minister checks the *Official Report*, he will perhaps change his answer in future.

Can we get back to the First Minister's record in office? The figures in this morning's report deal with the previous financial year, but I also draw the First Minister's attention to the figures for the first quarter of the new financial year. In the first quarter of last year, the number of persistent young offenders was 563; this year, it was 654—yet another dramatic rise and yet more proof that this Executive has still not got a grip.

I remind the First Minister that in 2004 the Minister for Justice told Parliament that she would

"ensure that progress is made."—[*Official Report*, 4 November 2004; c 11594.]

Progress has not been made. Things have got, and are still getting, worse.

Earlier this year, the Scottish Executive said that failing teachers would be assisted to find new careers. What happens to failing justice ministers?

The First Minister: At the risk of repetition, I will make some points again. The way to deal with persistent young offenders is first to identify them

more accurately and effectively; secondly, to ensure that police and local authorities have the powers to tackle the issues raised by persistent young offenders; thirdly, to have more secure accommodation for persistent young offenders—we have invested in that and it is now in place—and fourthly, to ensure not only that measures are taken to deal with the offending but that, at the end of the period when action has been taken against their offending behaviour, those youngsters are pushed into opportunities in education, employment and training so that they become better adults and do not spend their lives as career criminals. That is the action that this devolved Government is taking: identifying young offenders; ensuring that the system has the powers to deal with them; ensuring that the system, when it has those powers, can tackle their offending behaviour, if necessary by locking them away; and ensuring that opportunities are available to them so that they do not become career criminals as adults.

Nicola Sturgeon: The First Minister is certainly not one to let the facts get in the way of a good waffle. The truth is that the number of persistent young offenders is going up year on year and this Executive has broken its pledge to cut that number by 10 per cent.

With a record like Cathy Jamieson's, it is perhaps no wonder that Gordon Brown does not want her to run Labour's election campaign. But when it comes to that job, believe me, I think that the First Minister should stand his ground and keep Cathy Jamieson in charge.

Is it not the case that, over the past three weeks, this Government has been exposed as failing to deliver on nursery education, on council tax and now on youth crime? The First Minister himself is a persistent offender: he persistently fails to keep his promises. Is that not why more and more people think that it is time now for an SNP Government in Scotland—a Government that will keep its promises, and a Government that will deliver?

The First Minister: I have answered the point about persistent young offenders. Any justice minister with a record like Cathy Jamieson's—of the level of crime being down, the clean-up rates on crime being higher than ever before, record police numbers, and all the other improvements in our legal system, including the reforms in our courts—should be proud of that record.

If we are talking about broken promises, the SNP still has a question to answer about the £1 billion hole in its plans for local government finance, about which we heard last Thursday. That question still has not been answered. That is a promise that the SNP cannot keep and a gap that it would have to fill.

It ill becomes the SNP—today of all days—to talk about broken promises. Nicola Sturgeon, John Swinney, Jim Mather, Alex Salmond and all the others have gone round businesses in Scotland assuring them again and again that they would not vote for a third-party right of appeal in the Planning etc (Scotland) Bill. Yet, today, although Nicola Sturgeon did not have the guts to come into the chamber and vote herself, all the other SNP members were in here voting for it. That proves that the SNP cannot be trusted by Scottish business. The true face of the SNP is now exposed to Scotland.

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-2545)

The First Minister (Mr Jack McConnell): I expect to meet the Prime Minister in Oban next weekend, and I am looking forward to it.

Miss Goldie: Yesterday, Craig Nimmo was convicted of the culpable homicide of Bryan Drummond, an innocent man who, like so many others, was in the wrong place at the wrong time. Nimmo was originally charged with murder but pled guilty on a reduced plea and was sentenced to nine years. Can the First Minister tell me when he expects Mr Nimmo to be walking our streets again?

The First Minister: That will be a matter for the Scottish Prison Service.

Miss Goldie: It will be a matter for the Prison Service working under the law that the First Minister and his Executive have persisted in maintaining. The First Minister may pretend that he is abolishing early release, but he is merely replacing the existing system of early release with a new system of early release. Nobody is fooled.

Since the First Minister has neglected to answer the question, I will. Under the current early release system, Nimmo will be released after only six years. Under the First Minister's new early release system, he could be released 18 months earlier, after serving only four and a half years, unless the judge deemed the circumstances exceptional. At 20 years old, he will be free once again.

It is common knowledge that the Conservative party has tried to end the current discredited sentencing practice, which is opposed by every other party in the Parliament. Does the First Minister accept that, if our changes had been enacted, Nimmo would not be entitled to automatic early release on his full nine-year sentence?

The First Minister: I say again this week that what Annabel Goldie claims is simply not true. The

reports at the weekend of what she claims to be the case are simply not true either. The reality is that, if a judge sentenced any individual in any case—it would be wrong of me to comment on an actual case, so I will choose the hypothetical case of Mr Smith—to six, seven or eight years in prison, that individual would serve six, seven or eight years in prison. In fact, under the proposals that will come before the Parliament, they could serve more than that. If the Parole Board decided that the individual was still a risk to society, they could serve even more than the prison sentence that was deemed appropriate by the judge.

That is entirely different from the system that was established under the Conservative Government in the 1990s, which is still in place but will be replaced by the Executive. That system would allow such an individual, under certain circumstances, to be out after half their sentence and, under other circumstances, to be out after two thirds of their sentence. That is a Tory law that will be abolished by the Parliament and replaced by a law under which the prison sentence is enforced and means exactly what it says. In addition, individuals can expect to be supervised in the community, following their prison sentence, so that they are less likely to reoffend. That is the right system for Scotland. It is an honest and true sentencing system for Scotland, and if the Tories had any backbone they would support it.

Miss Goldie: I would have thought that the First Minister would be conversant with his Executive's bill, which redefines "sentence". Under the bill, with the exception of life sentences, a "sentence" will become a mixture—a mongrel—that is partly served in jail and partly served in the community. The difficulty for the First Minister is that he has to accept that that is a radical departure from traditional custodial sentencing in Scotland. I suspect that other victims' families would not be impressed by his answer. Let us consider Frances Getgood, who was stabbed by her husband 10 times while he was out on early release from a sentence for a previous attack on her. Last week, he was sentenced to five years and four months.

The First Minister can argue until the cows come home, but under the current automatic early release system, that offender will be coming out of prison after three years and six months. Under the proposals in the Custodial Sentences and Weapons (Scotland) Bill, he is likely to face a reduced period of detention of just over two years and eight months. Less time in prison is not a sentencing improvement. Will the First Minister therefore support Conservative amendments to restore honesty to custodial sentencing?

The First Minister: Unlike Annabel Goldie, I do not have the luxury of commenting on individual cases and sentences, and I am not going to do

that. However, yet again, what she says is not true. If the judge in that or any other case deems a particular number of years and months to be the prison sentence that should be handed down to an individual, that individual will not only complete that sentence in custody, but will face the possibility that if they do not behave properly, they could spend extra time in prison. In addition, when those individuals leave prison, they will have to be supervised in the community for a time period laid down by the judge. That is exactly the right thing.

This is not just a modern sentencing system for Scotland, it is the right sentencing system for Scotland. It abolishes the Tory laws that Annabel Goldie has rightly criticised today—although she did not do so in the 1990s—and replaces them with the right law. Sentences will mean what they say. Prison sentences will be fully carried out and those who serve part of their sentences in the community will be monitored so that they do not reoffend.

We are not talking about just prison plus restrictions or prison plus the opportunity of supervision, we are talking about prison plus the prospect of more prison if an offender misbehaves in prison in the first place. The Tories should be supporting the proposals instead of misrepresenting them and saying things here and elsewhere that are simply not true.

The Presiding Officer (Mr George Reid): I will take two back-bench supplementary questions at this point.

Dr Elaine Murray (Dumfries) (Lab): The First Minister will be aware of the announcement by Youngs Bluecrest Ltd that it is to cease the machine peeling of scampi at its factory in Annan in my constituency, which will mean the loss of 120 jobs. Does the First Minister appreciate the impact that that will have on the local economy in Annandale? Will he commit the Scottish Executive and Scottish Enterprise to offering whatever support they can make available to the workers who will be affected? Does he share my concern that companies such as Youngs Bluecrest are deciding to ship Scottish caught langoustines 12,000 miles—six weeks there and back—to take advantage of low wages in the far east? How can the Government encourage companies to take social and environmental factors into account, as well as commercial pressures, when considering such decisions?

The First Minister: Of course companies should take social and environmental factors into account: they have a responsibility to the community. They also have to recognise that Scotland not only has natural resources, including shellfish, but also fantastic skills and abilities at all levels of the industry, and the capacity to improve those skills and abilities. The flexibility of the

Scottish workforce was shown yet again this week in the highest ever Scottish employment levels—higher than those in the rest of the United Kingdom—in lower unemployment levels than in the rest of the United Kingdom, and in a stronger Scottish economy than we have had since devolution and the many years before during which the Tories caused us so many problems. It is vital that companies recognise that Scotland is a good place to locate jobs, to invest, for people to work and to grow and develop their business.

Alex Neil (Central Scotland) (SNP): I know that the First Minister, like everyone else in the chamber, will wish those who are involved in the talks on the future of Northern Ireland well in their endeavours. However, it is clear that one of the major issues emerging in those talks is the proposal, which has all-party agreement, to reduce the level of corporation tax in Northern Ireland, from the United Kingdom level of 30 per cent to nearer the southern Irish level of 12.5 per cent. Will the First Minister seriously examine the implications for the Scottish economy if that proposal goes ahead and will he press for a similar power to be devolved to this Parliament, so that we can continue to attract inward investment and to keep the investment that is here in Scotland?

The First Minister: Apart from pointing out, Presiding Officer, that Northern Ireland is not Mr Neil's constituency, I will make a number of specific points. First, if Mr Neil believes that we should have a 12.5 per cent rate of corporation tax in Scotland, I hope that he will spell out where the £1.4 billion that that would cost would come from in our £30 billion budget. Secondly, it is I who believe in consistency in tax policy across the United Kingdom, not Mr Neil, and although the measures proposed for Northern Ireland would, of course, be welcome here in Scotland, we want the same incentives as exist elsewhere in the United Kingdom.

Thirdly, for Mr Neil to portray himself as in some way pro-growth and pro-business, as he has done today, requires a little bit of a stretch of the imagination. We know that the SNP is against private profit and the involvement of any private companies in the building of schools and hospitals, and Mr Salmond has made it clear that he will abolish the hospital and school-building programme simply because of his aversion to private profit. We also know that SNP members, including Mr Neil, having promised every business in Scotland that they would oppose a third-party right of appeal in our planning system, sat in the chamber this morning and voted for it. We cannot trust the SNP on business, just as we cannot trust it on anything else.

Secretary of State for Scotland (Meetings)

3. Shiona Baird (North East Scotland) (Green): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-2546)

The First Minister (Mr Jack McConnell): I expect to meet the Secretary of State for Scotland next week in Oban, although I regret that he will not be joining me to turn on the Christmas lights.

Shiona Baird: Ross Finnie has been boasting recently about Scotland's record on carbon dioxide emissions. The First Minister knows that that success is largely due to the closure of Ravenscraig and other heavy industries, and he knows that the Executive's own figures, published this week, show that emissions in transport, power generation and housing are up. Can he explain how the Executive can set a CO₂ emissions target that can be met even if total CO₂ emissions from Scotland go up?

The First Minister: We have made our position on carbon emissions clear. The commitment that we give is not just to meet our share of the United Kingdom's carbon emissions targets but to go further. We have the right policies in place to achieve that. Our commitment to increased investment in public transport ensures that it is not only more available but more attractive. Changes in the regulations for housing and for buildings will ensure that buildings are better insulated and therefore use less energy. A whole range of other measures are designed to achieve not only the carbon emissions target, but a far better society in Scotland.

Shiona Baird: It is all very well to talk about Scotland's share, but the current target is one that can be met even when emissions from Scotland go up. That target looks only at CO₂ reductions from selected areas, and it completely ignores the increase in emissions from such things as new motorway construction. When will the First Minister commit Scotland to a target on emissions from all sources of CO₂, not just those that he cherry picks?

The First Minister: I have already said that we have an emissions target that is up there with the target set by the UK, which is generally reckoned to be one of the leading nations in the world in having targets for itself and in pressing for targets to be implemented elsewhere, but we will go further than that target in our actions here in Scotland. We will do that not on our own, but by working with the various sectors in Scottish society that have a contribution to make, including businesses, householders and local authorities. We will also do it through our actions on energy. I am delighted to be able confirm today that Balcas, a pioneering firm in the biomass industry, will

locate in the Highlands of Scotland. The firm has been given Government funding in order to secure that location. Such a decision not only locates jobs in the right places and supports individual companies in the industry, but makes Scotland one of the places where renewable energy is to the fore.

Actions such as proper investment, the right decisions about locations, and the prioritisation of energy, transport, waste and the other matters that we have prioritised will make a difference and help us to meet the target.

Knife Crime

4. Mr Andrew Welsh (Angus) (SNP): To ask the First Minister what further steps the Scottish Executive is taking to reduce knife crime. (S2F-2548)

The First Minister (Mr Jack McConnell): To reduce knife crime in Scotland, we have delivered new legislation to double the maximum sentences for anyone caught carrying a knife; revised prosecution guidelines to ensure that more trials are brought before a sheriff and jury; and introduced tougher police enforcement, led by a new national violence reduction unit. In addition, provisions on licensing the sale of non-domestic knives in the Custodial Sentences and Weapons (Scotland) Bill, which we hope will be passed by this Parliament, and a hard-hitting new media campaign that was launched this week by the Minister for Justice will help make further progress. All that is in the context of there being 1,000 fewer victims of serious violent crime last year in Scotland and of the level of serious violent crime now being at its lowest since devolution in 1999.

Mr Welsh: Is the First Minister aware that this month marks the sixth anniversary of the death of 10-year-old Damilola Taylor and that the Damilola Taylor Trust is launching a campaign, with Home Office sponsorship, to encourage young people to respect life and reject knives?

The Angus community alcohol-free environment—CAFÉ—project is working to bring the initiative to Scotland to allow our young people the opportunity to say no to Scotland's knife culture. Given that the initiative in England and Wales dovetails perfectly with the Scottish Government's own campaign designed to challenge knife culture, what will the First Minister do to assist the CAFÉ project and the Damilola Taylor Trust to engage with Scotland's schools and youth organisations to allow our young people to make a similar positive and public statement against knife violence?

The First Minister: I thank Andrew Welsh for his question and for the points that he makes

about both the Damilola Taylor Trust and the CAFÉ project, which is doing a terrific job locally in highlighting the issue and influencing the behaviour of young people. I would certainly want to investigate the possibility of further developing their work and encouraging them to set an example elsewhere. I am sure that it might even be possible, if Andrew Welsh is happy to secure an invitation, for either the Minister for Justice or the Deputy Minister for Justice to visit the project to see it at first hand.

Farepak

5. Bristow Muldoon (Livingston) (Lab): To ask the First Minister what action the Scottish Executive is taking to help resolve the situation faced by customers of Farepak. (S2F-2551)

The First Minister (Mr Jack McConnell): We are in close contact with the United Kingdom authorities as they lead on efforts to help the people most affected by the collapse of Farepak. Ian McCartney, Minister of State for Trade, Investment and Foreign Affairs at the Department of Trade and Industry, has written to the Deputy Minister for Enterprise and Lifelong Learning to update him on the impact of the situation on Scotland, and the deputy minister will report on that to Parliament in due course.

As members will know, the Farepak Response Fund has now been set up. It will operate on a temporary basis and distribute goodwill payments, in the form of vouchers, directly to the former Farepak agents. I urge all members to make a donation to the fund.

Bristow Muldoon: I thank the First Minister for his answer and welcome the fact that the Parliament has agreed to debate next week the motion on the issue that Elaine Murray lodged.

I ask the First Minister whether he recognises the strong campaigning that has been done by many of the individuals whose Christmas has been threatened by the collapse of the company. The campaign has been led in Scotland by Susie Hall and has been supported by many MPs and MSPs of all parties. Does the First Minister agree that it is important that companies as well as individuals make substantial donations to the Farepak Response Fund, to which he referred, in order that people's Christmas can be saved? Does he also agree that, in the longer term, we should promote and support the credit union movement as a safe and well regulated means by which people can save for future Christmases?

The First Minister: This is becoming a pleasant habit. I thank Bristow Muldoon, too, for his constructive question and the way in which he made those suggestions.

I agree that we should encourage further development of the credit union movement as well as greater local use of credit unions as a far more secure option for people who wish to save for Christmas or any other special occasion.

I hope that we can provide practical support to those who are trying to help in this situation and that businesses and others who can afford to contribute to the fund will do so. I also genuinely hope that the many thousands of people in Scotland who have been affected by this—I believe that, of those affected, a higher proportion come from Scotland than from other parts of the country—have at least some hope of a decent Christmas.

The Presiding Officer: As we started late, I use my discretion to take question 6 from Euan Robson.

Scotland Office

6. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the First Minister whether the Scottish Executive envisages a continuing relationship with the Scotland Office in light of the on-going development of devolution. (S2F-2556)

The First Minister (Mr Jack McConnell): The Scottish Executive's strong and valuable relationship with the Scotland Office has played a key role in ensuring the continuing success of the devolution settlement.

Euan Robson: Does the First Minister not agree that the Scotland Office is now a relic of its former self and should be abolished? Moreover, will he consider the case for introducing a new joint committee of the Scottish and United Kingdom Parliaments?

The First Minister: Although, in the early days of devolution, such joint committees operated with some success in a number of policy areas, they were felt to be inappropriate for the Parliament's second term. However, given the commitment of the Parliament and this devolved Government to reduce poverty in Scotland, to further economic development and to address some major environmental challenges, which affect the responsibilities of the Governments at Westminster and in Scotland, it might be worth looking at resurrecting some of those joint committees or, indeed, other kinds of committee that are more appropriate for today. I am certainly happy to do so. The question whether a formal joint committee is required is another matter.

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Environment and Rural Development

Rural Communities (Growth)

1. Roseanna Cunningham (Perth) (SNP): To ask the Scottish Executive what factors currently inhibit growth in Scotland's rural communities. (S2O-11067)

The Minister for Environment and Rural Development (Ross Finnie): Evidence suggests that Scotland's rural communities are growing, with stronger population growth and proportionately more new businesses started than in the rest of the country. More than two thirds of residents rate their neighbourhood as very good, while employment and household incomes are higher than elsewhere. Nonetheless, we are working with stakeholders to review and refresh our strategy for rural Scotland to ensure a strong rural economy and to help to sustain those communities.

Roseanna Cunningham: I am particularly interested in that issue. The minister must be aware that there are serious concerns about what might be called the missing generation in many rural communities. The demographic shift he mentioned means that inward migration is generally of economically inactive people and outward migration is of the generation aged between 18 and 34, who are effectively driven out of rural communities in Scotland because of a lack of jobs and affordable housing. Does the minister share my concern about that? If so, will he suggest how that trend can be reversed?

Ross Finnie: I acknowledge Roseanna Cunningham's considerable interest in the matter. She is correct—the recent data that I summarised in my first answer point to an inward migration of economically inactive people, although those people are making a significant contribution to the gross domestic product of their local communities. However, that does not mean that there is no need for us to act. In the strategy review to which I referred, we have used the figures available to identify certain issues, including educational opportunities and access to broadband and other technologies for new businesses. There is a high incidence of new starts in the rural economy—*[Interruption.]* It is unusual to be interrupted from behind the person who asked the question. I apologise to Roseanna Cunningham for her colleagues' interruption.

The retention of those new businesses is critical to our ensuring that our younger generation do not feel the need to move out of rural Scotland. We will do further work on that issue and will publish some of our findings later in the year.

Alex Johnstone (North East Scotland) (Con): Many of the constraints on development in rural Scotland are still caused by the lack of provision of water and water services. To what action is the minister willing to commit himself to stop the development constraints that so affect rural Scotland? Further, given that earlier in the week the minister and his deputy chose to heap praise on Scottish Water for its performance, is the matter entirely a ministerial responsibility?

Ross Finnie: Alex Johnstone makes a rather generalised comment about development constraints. Like every other member, he will have received a communication from the chair of Scottish Water some months ago, addressing precisely what Scottish Water was doing about development constraints. There is now agreement on the issue, particularly on the problems in Argyll and Bute, and, largely, on those in the Highland region, although there are still problems in parts of Perthshire. By and large, due to a completely refreshed analysis, there is far greater co-operation with local authorities and a real distinction between pie-in-the-sky applications and actual developments. Scottish Water has given clear commitments and undertakings and the situation is nothing like as bad as it is being portrayed as being. Therefore, it was right for us to praise the management for taking steps to improve the situation.

Biomass Heating Systems

2. Carolyn Leckie (Central Scotland) (SSP): To ask the Scottish Executive whether it has any plans to assess the environmental impact of the use of biomass heating systems, such as that recently introduced at Taylor high school in Motherwell, and whether it has any plans to roll out the use of such systems. (S2O-11082)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): The specification and assessment of the environmental impact of particular heating systems in schools and other buildings is a matter for those who are responsible for the management of the buildings.

Carolyn Leckie: Given that climate change requires urgent, universal action, it is a wee bit remiss just to wait for initiatives to be developed. There has been an increase of 80 per cent in fuel prices and a corresponding increase in the obscene profits of companies such as Scottish Power. Surely there is an urgent need to develop alternative systems to alleviate fuel poverty and environmental damage. Will the Executive make a

commitment to be proactive and to ensure that every new public building in Scotland has a sustainable, clean heating system, or will it abdicate responsibility?

Rhona Brankin: Absolutely not. Far from abdicating responsibility, we are taking definite steps to ensure that building programmes are carried out sustainably. Earlier this year, Nicol Stephen announced details of the new clean energy programme. In the next two years, some £20 million will be provided to support projects using marine and hydrogen power, microrenewables and biomass. Biomass will receive £7.5 million from the programme and a scheme will be launched in December, subject to state-aid clearance and other processes being in place. It will provide grants to support both the supply chain and heat, power and combined heat and power installations. It will be open to a wide range of organisations, from producer groups to private businesses, and will include public-private partnership and local authority projects.

It is important that we ensure that public procurement makes it easy for local authorities, for example, to ensure that renewable energy solutions are incorporated into new and existing builds.

Christine May (Central Fife) (Lab): The minister will be aware that it is not just public procurement projects that will require access to biomass supplies. The proposed biomass plant that will replace the coal-fired system at Tullis Russell Papermakers in Markinch will also require supplies. Has the minister identified a date for the meeting that she promised me and Tullis Russell to discuss the matter? Also, what discussions, if any, is she having with potential growers of biomass crops to ensure that there is security of supply?

Rhona Brankin: I agreed to meet Christine May and Tullis Russell. I do not have the date of the meeting with me, but I am more than happy to give Christine May the date when I get back to my office.

Christine May recognises the challenge of ensuring that we have in place a proper supply chain so that companies such as Tullis Russell can function. The Forestry Commission Scotland has been working on locating biomass officers in various parts of Scotland, and the biomass action plan, which will be published in December, will help to ensure that we make the links between the producers and the processors. It is important that we support biomass, which is why we have recently invested £7.5 million in it through the clean energy programme.

Alasdair Morgan (South of Scotland) (SNP): Given that members have been asking such

questions for almost eight years, is it a fact that the Executive's progress in the area has been lamentably slow?

Rhona Brankin: Absolutely not. Many exciting developments are going on. The member will be aware of the developments for schools in Aberdeen and the money that was allocated recently to the Perth and Kinross schools project. There is also a possibility of biomass heating in Scottish Borders schools, and the Forestry Commission is doing a lot of work to provide biomass heating in its buildings. It is an exciting time for biomass. That is why we decided that it requires an important cash injection and a biomass strategy, and work on that has been on-going for several years now.

Depleted Uranium Contamination

3. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Executive what monitoring is carried out of the effect of depleted uranium contamination on the environment. (S2O-11080)

The Minister for Environment and Rural Development (Ross Finnie): The Ministry of Defence is responsible for monitoring the effects on the environment of the test firing of depleted uranium. A programme on terrestrial and marine sampling is undertaken twice a year. The ministry regularly publishes reports on the monitoring programme.

Linda Fabiani: Is the minister aware of the concern people felt when they recently learned from a BBC Radio 4 programme that the United States of America has been suppressing information on the potential effects of depleted uranium? Will the minister confirm that the British Government and, therefore, the Scottish Executive have access to that suppressed information through the MOD? Will he pass that information to people in Scotland and to this Parliament? Will he confirm whether the US has permission to fire depleted uranium at or around Cape Wrath?

The Deputy Presiding Officer (Murray Tosh): The final question was perhaps a matter for the Secretary of State for Defence, but the Minister for Environment and Rural Development can answer the earlier questions about the information that he has.

Ross Finnie: I am grateful for that helpful distinction between different people's responsibilities and roles.

Ms Fabiani asked whether we knew of hidden effects. No, we do not. Ms Fabiani will understand that if the matter has been dealt with by the American Government and the British Government, one of her party's members at the Westminster Parliament—I gather that there is at least one—will have to ask the question.

It is important to stress that the Scottish Environment Protection Agency has a role in the monitoring programme in determining the impacts on the marine environment and, potentially, on the terrestrial environment.

On the final part of Ms Fabiani's question, I am unable to confirm or deny what the British Government or the Ministry of Defence knows about the matter.

Chris Ballance (South of Scotland) (Green): The minister's responsibilities include the protection of the environment from radiation and the monitoring of such effects. Will he say whether the MOD keeps him informed about the number of shells that are fired from ranges such as Dundrennan? How much depleted uranium is in the Solway? What concerns does the minister have about the effects of low-level radiation in those areas?

Ross Finnie: We are not aware of there having been any recent firings; they ceased some time ago, particularly in the Solway firth.

I can only repeat my first answer. We have responsibilities, which is why we ensure that SEPA ensures that the MOD keeps to its obligation to monitor the situation. As I have indicated to Mr Ballance, the results of that monitoring are in the public domain. If the results were to show adverse effects and SEPA had concerns, in the first instance, it would be for it to draw them to the attention of the general public and ministers.

Recycling (Glasgow)

4. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive how it will monitor the effectiveness of the new funding provided for the provision of back-court recycling in Glasgow. (S2O-11119)

The Minister for Environment and Rural Development (Ross Finnie): Glasgow City Council will submit six-monthly progress reports detailing the performance of and participation in the schemes. The system of reporting will be reviewed in due course to ensure that information on the effectiveness of the schemes remains up to date.

Pauline McNeill: I welcome the significant funding settlement for recycling in Glasgow's tenement properties. In the six-monthly reports, will there be discussion of how to encourage people who are not using doorstep facilities to do so? Does the Executive acknowledge the huge challenges in tenement areas and in areas where there are houses in multiple occupation? In such areas, larger bin storage areas tend to be needed. Will the Executive ensure that landlords and owners work at solutions to accommodate

recycling bins so that we can spread the coverage of back-court recycling?

Ross Finnie: The broad answer to all those questions is yes. I am sure that Pauline McNeill is aware that local authorities carried out two pilot schemes before we approved the substantial funding to councils that were experiencing difficulties in dealing with HMO and tenement properties for the reasons that Pauline McNeill has just set out. We proceeded with the funding on the basis of those pilots and will encourage local authorities to ensure that residents are able to participate.

Secondly, as I said, the reason for the six-monthly reports is to address the very issues that Pauline McNeill raised. We need to know whether the scheme is working, whether there need to be modifications or changes, and whether further investment might be required. It is imperative that those who live in such properties have the same opportunity as others to dispose of their waste in a sustainable way.

Agriculture

5. Eleanor Scott (Highlands and Islands) (Green): To ask the Scottish Executive whether it shares the Prime Minister's reported view that the future of agriculture for this country is more likely to be in organic niche farming than in extensive tracts of genetically modified crops. (S2O-11136)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): A key factor in determining which forms of agricultural production will be most successful in Scotland will be the market. "A Forward Strategy for Scottish Agriculture: Next Steps" highlights the importance of responding to market demand. At present, there is strong demand for organic produce but no market advantage in growing genetically modified crops in Scotland.

Eleanor Scott: Will the minister confirm whether she is aware of the legal opinion that the Soil Association and others have obtained that highlights areas of the consultation by the Department for Environment, Food and Rural Affairs on GM co-existence that appear to be at odds with European Union law? Will she confirm that she will give her opinion on those specific concerns before publication of the consultation by the Scottish Executive Environment and Rural Affairs Department? Furthermore, will she confirm that she will take steps to ensure that the future of all Scottish farmers is protected by not allowing routine contamination of Scottish farms, foods and food products with GM material?

Rhona Brankin: I confirm that we have received a copy of the legal advice from Friends of the Earth Scotland, the Soil Association and GM

Freeze. I will reply to those organisations shortly. We will put the issue of GM co-existence out to consultation next summer. It is an important issue, but it would be premature to consult at the moment as we are awaiting critical EU-wide decisions on the threshold for GM presence in organic products. When we first announced that we would consult stakeholders on co-existence measures, in 2004, it was feasible that GM crops that might be suited to Scotland would be available in the next few years. That is no longer the case.

In answer to Eleanor Scott's first question, I say that, done well, organic farming can have important biodiversity, landscape and pollution-control benefits, as my colleague Tony Blair has said.

Green Spaces and Parkland

6. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive how it supports the creation of green spaces and parkland. (S2O-11101)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): Scotland's local authorities spend about £143 million per annum on the development and management of parks and open spaces, a significant proportion of which is funded by the Executive through the local government finance settlement.

Scottish Natural Heritage will make more than £7 million available for green space action over the period 2002 to 2007 through support to the greenspace for communities initiative, the transforming your space programme and other initiatives. I will make an announcement shortly about the award of grants for a number of green space projects

Cathie Craigie: Will the minister consider and support—as I do—the friends of Kelvin valley's campaign to secure the green space of the Kelvin valley between Cumbernauld and Kilsyth as a park? Does she agree that the combination of the canal, the boating marina, the Kilsyth hills, the nature reserve, the paths system and the Antonine wall make an attractive setting and would offer the potential for increasing tourism as well as local employment if that green space was developed as parkland rather than for extensive housing developments? Will the minister consider that in the context of the funding that she has announced, and will she visit the area to see for herself the worthwhile facility that could be provided?

Rhona Brankin: I am aware of the steps that are being taken in the Kelvin valley and of the establishment of the friends of Kelvin valley. The group is important in providing a co-ordinated voice on green space issues in the Kelvin valley.

Cathie Craigie will be aware that the Forestry Commission Scotland currently provides support to Kelvin Clyde Greenspace. It is a wonderful area for natural heritage and built heritage, and I am aware of North Lanarkshire Council's aim of preparing an open space strategy. I welcome the encouragement that is being given to local residents such as those in the Kelvin valley to submit their views and advice on the matter, and I would be delighted to visit.

Ship-to-ship Oil Transfers (Firth of Forth)

7. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what recent developments have taken place regarding the proposed ship-to-ship transfer of oil in the Firth of Forth. (S2O-11111)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): Ross Finnie and I met Forth Ports in late August and received reassurances that Forth Ports acknowledges its responsibility as a competent authority for the purposes of the Conservation (Natural Habitats, &c) Regulations 1994. Forth Ports is engaging with Scottish Natural Heritage and will assess all relevant environmental considerations. It is understood that Forth Ports has commissioned further work from consultants. Once that is complete, revised documents will be made available to stakeholders before a decision is taken on whether the proposed ship-to-ship transfer operations in the Firth of Forth should proceed.

Marilyn Livingstone: As the minister knows, in my constituency and the length and breadth of the Firth of Forth there is, to say the least, considerable objection to the proposal. I am pleased that she has agreed to meet Catherine Stihler MEP and me to see how we can work with the European Parliament on the matter. Will the minister come together with the local councils concerned and the European Parliament to examine what can be done together, because that is the best way to act against the proposal?

Rhona Brankin: I am acutely aware of the concerns that have been expressed both by MSPs, including Marilyn Livingstone, Christine May, John Home Robertson, Mark Ruskell and many others, and by councils. As I said, Forth Ports has commissioned further work from consultants. We do not know what the outcome of that work will be. I understand that Forth Ports is aware of its responsibilities under the habitats regulations. I would be happy to meet councils and members to discuss the complex legislative framework that surrounds the application.

Health and Community Care

Health Initiatives

1. Mr Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Executive what steps it is taking to ensure that national health service boards and local authorities address the need to make commitments to support community-led and voluntary sector health initiatives in their strategic planning processes. (S2O-11135)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We have commissioned the community-led supporting and developing healthy communities task group to consider how best to support the continued sustainability of community health initiatives. The task group will publish its recommendations very soon. Ministers will consider those in the usual way.

Mr Ruskell: Given the reports that core funding for community health projects has been cut by up to 50 per cent, does the minister recognise that there is a crisis and that we need to act immediately on the task group's recommendations? Will he draw together the group's recommendations into a strategy that ensures that the funding that is allocated to community health is spent on community health?

Lewis Macdonald: I do not want to prejudge the group's recommendations, which will be made public very soon and to which we will respond. It is important that we ensure that the evidence base for the recommendations is understood, and the task group is doing that work. It is doing it because we recognise the need for a coherent approach to such issues across the board. I look forward to seeing the recommendations in the near future.

Charitable Housing Organisations (Funding)

2. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive what annual funding it makes available, for the provision of long-term care services, to housing organisations with charitable status. (S2O-11046)

The Deputy Minister for Health and Community Care (Lewis Macdonald): The Scottish Executive makes provision for £1.7 billion in grant-aided expenditure to local authorities for community care services, with a further £400 million of supporting people funding for housing support services that are registered with the Scottish Commission for the Regulation of Care as care services. How much of that funding is allocated to housing organisations with charitable status is not recorded centrally.

Mr Welsh: That is a pity—it would be useful if it were. Given the growing problem of dementia and

Alzheimer's disease in an increasingly elderly population, I commend to the minister the pioneering work of the Angus Community Care Charitable Trust in opening its latest housing project in Montrose, which allows family carers to stay with relatives and to have help and assistance readily available to them. Will the minister increase the resources that are available to such successful charitable trusts to cater for specific niche and specialist interests?

Lewis Macdonald: The main responsibility in that regard lies with Communities Scotland and with the Scottish Executive Development Department, rather than with the Health Department. However, the funding for Balmain Court, a commendable new development by the Angus Community Care Charitable Trust that was opened recently, was publicly supported to the tune of approximately 71 per cent; that happened in the context of a public funding cap, as a result of European state aid requirements, of 75 per cent. Mr Welsh will find that the level of public funding for that project was nearly as high as it could have been.

Mrs Nanette Milne (North East Scotland) (Con): Is the minister aware of the current concern regarding the future of Ark Housing Association projects across communities in Aberdeenshire? Does he agree that already hard-pressed council budgets in the north-east are resulting in inadequate financial support for charitable housing associations in the area, and that they could result in the consequent loss of many valuable services for vulnerable people?

Lewis Macdonald: I am certainly aware of the issue to which Nanette Milne refers and I am concerned about the future provision of services of the type that she describes. However, I do not accept the view that an issue has arisen because of an inadequacy of the overall funding that is provided to local councils. The issue is the way in which local authorities deliver support to the voluntary sector. That relates closely to the question that was asked a moment ago by Mark Ruskell about community health initiatives, as a similar point could be made in relation to care services. The voluntary sector works with local government, and we want to ensure that, in the future, a coherent approach is taken to those matters and that projects receive stable and reliable funding from their public sector partners.

Respite Care

3. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what measures are being taken to increase the provision of respite care for those being cared for at home. (S2O-11123)

The Deputy Minister for Health and Community Care (Lewis Macdonald): Provision of respite care has continued to increase in recent years, and we have introduced a requirement that local partnerships must report to ministers annually on local improvement targets for carers' assessments and respite services. In addition, we set up a respite task group earlier this year, as part of our response to the care 21 report, to update the guidance that we issue on access to respite services. The group is also gathering evidence to inform future decisions on service provision.

Mrs Mulligan: I recently attended the Carers of West Lothian annual general meeting, and I know that the minister is aware of the superb work that the organisation does. As part of the discussion at that meeting, the need for further respite care was raised. Does the minister accept that there is a pressing need for respite care, for children and young people in particular, and does he agree that that care needs to be flexible and adaptable so as to accommodate family life, particularly where there are siblings involved?

Lewis Macdonald: I agree entirely that children and young people who find themselves in the position of being relied upon as the main source of unpaid care have particular and often significant needs, including the need for respite. It is not our policy that young people should be put in that position, but when it happens we want them to have support. There are 57 projects across Scotland delivering support of that type.

In addition to recognising respite as a key issue arising out of the care 21 report, we recognise the position of young carers as a key issue. A task group is considering a range of issues relating to young carers, and we expect those two groups to work together on the important matter of respite care for young people. Flexible care and person-centred respite are needed, because it must be recognised that the respite needs of one individual may not be the same as those of another individual. That is the direction in which I hope that policy will continue to go.

BCG Immunisation Programme

4. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the Scottish Executive what steps are being taken to communicate, and to promote understanding about, recent changes to the BCG immunisation programme. (S2O-11102)

The Minister for Health and Community Care (Mr Andy Kerr): The changes to the BCG immunisation programme were communicated to the national health service by the deputy chief medical officer on 8 July 2005. Thereafter, NHS boards cascaded the information to health care

professionals in their areas. A range of publicity materials was produced by NHS Health Scotland for the public and for health professionals.

Susan Deacon: I thank the minister for his answer and for the previous correspondence that I have had from his deputy on the subject. I am sure that many members recognise the need to review and change immunisation programmes regularly, but we also recognise that, when major changes such as the ending of the universal schools programme take place, it is vital that those changes are communicated effectively.

Will the minister consider whether more might still be done to ensure that there is widespread understanding of the changes that have been made, not least in schools, which have traditionally acted as the main vehicle for the programme?

Mr Kerr: I appreciate the member's point and will be happy to consider what further communications we require to undertake. The constant re-evaluation of immunisation programmes is a job for the Joint Committee on Vaccination and Immunisation, but I will reflect on the point about the provision of further information.

I reassure members and others that tuberculosis rates in Scotland are not increasing overall. They have been stable since 1990 at about 400 to 450 cases. The new strategy is based on risk assessment, which follows an international lead from the World Health Organization. In my view, the policy is correct. I will examine the issue of communications, which in turn will provide reassurance to parents throughout Scotland.

The Deputy Presiding Officer: Question 5 has been withdrawn.

Dental Services (Highlands)

6. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive what the latest position is regarding the provision of national health service dental services in the Highlands. (S2O-11112)

The Deputy Minister for Health and Community Care (Lewis Macdonald): I look forward to opening two dental centres in the Highlands later this month: a three-surgery extension at Culloden and a new five-surgery dental facility in Wick. NHS Highland employs 51 salaried dentists and it will continue to develop its network of salaried dental services. I expect further new developments in Grantown-on-Spey and Fort William to be completed early next year.

Maureen Macmillan: I thank the deputy minister for that welcome news. Many people in Caithness have had to register, against their will, with private dentists and they are keen to transfer to the national health service. Such people include

pregnant mothers who are entitled to free treatment on the NHS. How might patients on the NHS dental waiting lists be prioritised so that those who are in greatest need and those who are entitled to free treatment, such as those whom I have mentioned, will be seen promptly despite having had, perforce, to register privately?

Lewis Macdonald: NHS Highland operates a dental helpline that deals with inquiries from members of the public who seek to access either emergency treatment or early treatment on registration. Decisions on both types of inquiry take into account the clinical position of the individual. Expectant mothers who have not seen a dentist for two years will automatically be fast tracked so that they receive early attention from NHS dental services. The policy of prioritisation in those circumstances will always be based on clinical assessment.

Richard Lochhead (Moray) (SNP): I am being inundated with communications from constituents in Moray who are unable to access NHS dentistry. The minister may be aware that the Grampian NHS Board area has one of the worst problems in the whole of Scotland and that Moray has perhaps the worst problem in the Grampian NHS Board area. Will he therefore investigate the situation in Moray and report back—I hope to me—on the best way forward and what can be done to help the many patients who are excluded from NHS dentistry?

Lewis Macdonald: I can report to Mr Lochhead now that NHS Grampian has put in place plans for new dental developments in Elgin, Keith, Buckie and other places in the north-east following the opening of the Aberdeen dental institute only a few days ago. All those developments will help to address precisely the issues that he mentions.

As well as looking for NHS boards to provide such services—as they are now doing—we look to dentists who have in the past chosen to deregister their adult patients to reverse that decision and come back to the NHS. If they do so, they will get a financial reward in excess of £25,000 per practice per year in new funding. That is a significant incentive, which I hope many dentists in Moray and elsewhere will take into account in deciding their future actions.

Scottish Regional Treatment Centre

7. Mr John Swinney (North Tayside) (SNP): To ask the Scottish Executive whether it will publish the contract that has been awarded to establish the Scottish regional treatment centre at Stracathro hospital. (S2O-11070)

The Minister for Health and Community Care (Mr Andy Kerr): The contract is between NHS Tayside and the provider. Therefore, it is not within

the Scottish Executive's remit to publish the documents. NHS Tayside intends to be open and transparent about the contractual arrangements and will publish as much information as possible relating to the contract once the necessary consent has been obtained from the provider.

Mr Swinney: I am surprised to learn that, although the minister is providing £15 million for the contract, he plays no role in releasing information about it. Does he view sympathetically many people's concern that, in order to test properly whether the contract represents value for money, we have to see its full detail? I hope that he will make it clear in his answer—because it was not clear from his previous answer—whether commercial confidentiality will be cited as a reason why some of the contract's details cannot be published.

Mr Kerr: I find the member's response very strange. The SNP advocates more powers for boards, but when I indicated that it was within the board's powers to deal with this issue, the member criticised my response. Moreover, his question is a thinly disguised expression of the SNP's dogma with regard to the private sector. I prefer to put the patient first, not to slam the door in their face because of dogma and policy.

The member can rest assured that the contract represents value for money and, indeed, that it adds to the value of the Stracathro facility, which the Executive has resurrected in recent times and has made integral to the service. As an editorial in the *Press and Journal* pointed out, that is

"good news for the hospital but even better news for the patients. They will be treated more quickly and endure less discomfort as a result".

I know that the member runs against all these things that are in the interests of patients. However, I do not, and he can rest assured that the information will be published in due course.

Alzheimer's Disease (Treatment)

8. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what drug treatments are currently available on the national health service in Scotland for the treatment of mild, moderate and severe Alzheimer's disease and whether this position is likely to change in the near future. (S2O-11124)

The Deputy Minister for Health and Community Care (Lewis Macdonald): A variety of drugs can be used in the treatment of Alzheimer's disease and associated symptoms; those that are currently available include donepezil, rivastigmine and galantamine. I expect NHS Quality Improvement Scotland shortly to recommend that those drugs should be used only for the treatment of moderate Alzheimer's disease,

at which point they will no longer be recommended for people in the early stages or with a mild form of the disease.

Dr Murray: The minister will be aware that carers and Alzheimer's sufferers are campaigning for the National Institute of Clinical Excellence's recommendations for England and Wales on this matter not to be followed in Scotland. Does the minister acknowledge that in many other countries—as in Scotland at the moment—those drugs are available to all Alzheimer's sufferers? Will he consider aligning Scottish policy with the policy in those countries rather than that in England and Wales?

Lewis Macdonald: I am aware of the campaign. However, as we pointed out last week in the chamber, this is clearly a matter for NHS Quality Improvement Scotland, which is responsible for considering NICE's recommendations and their applicability in Scotland. Although NHS QIS has not yet published its recommendation, I understand that it intends to recommend that the national health service in Scotland should follow NICE's recommendations on the availability of these drugs. Given that it is conducting the scientific investigation of those matters, I do not think that it would be appropriate for us to second-guess the scientific evidence and advice.

Aboyne Maternity Unit

9. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive when the Minister for Health and Community Care will announce his decision regarding the closure of the Aboyne maternity unit. (S2O-11090)

The Minister for Health and Community Care (Mr Andy Kerr): I understand the concerns raised by the member and, indeed, by the local community, and I reassure him that I will reach a decision very soon on all the proposals that have been submitted to me on service change in Aberdeenshire. However, I require some further information before I can do so.

Mike Rumbles: I am delighted that the minister is taking time to get all the information that he needs to make the right decision. However, I remind him that the campaigners are asking not only for 12 months in which to prove the case for keeping the Aboyne maternity unit open but, in the event that the minister decides to keep it open for another 12 months, for the health board to promote the unit effectively.

Mr Kerr: I have not made my decision on the proposals that have been submitted to me. However, the member can rest assured that I learned a great deal from the campaigners when they visited the Parliament, and I should say that I was also visited by campaigners from Fraserburgh

who were accompanied by Stewart Stevenson MSP. I am aware of all the issues. However, I am still going through the documents and representations in great detail and will reach a conclusion in due course.

The Deputy Presiding Officer: I call question 10.

Stracathro Hospital

10. Murdo Fraser (Mid Scotland and Fife) (Con): Well done, Presiding Officer.

To ask the Scottish Executive how the new investment in Stracathro hospital will benefit patients in Tayside. (S2O-11058).

The Minister for Health and Community Care (Mr Andy Kerr): The member should have said, "Well done, minister", although that is another matter entirely.

The use of Stracathro hospital as a regional treatment centre, run in partnership with the independent sector, is designed to deliver more choice and flexibility for patients and to help to drive down waiting times and achieve greater efficiency in the use of resources. Patients will benefit from improved access and shorter waits.

The Deputy Presiding Officer: Mr Fraser should be glad that I did not call him on question 7.

Murdo Fraser: Such foresight, Presiding Officer.

As someone who supported the campaigns to save Stracathro hospital, I welcome the investment in its future. What discussions have been held between Tayside NHS Board and the private sector health care provider about the recruitment of staff in Angus and the impact that that might have on the NHS workforce?

Mr Kerr: We have set out clearly the requirements of our national health service in relation to the consultant contract and our relationship with consultants and other staff. I reassure the member that the recruitment of staff will have no impact on the health service locally. We set that condition as part of the process. The additional work that is done in the unit will not be done in NHS time and any consultant or other member of staff who works at the facility must seek the prior agreement of the NHS.

Planning etc (Scotland) Bill: Stage 3

Resumed debate.

14:55

The Deputy Presiding Officer (Murray Tosh): We resume consideration of the Planning etc (Scotland) Bill.

Section 28—Assessment of planning authority's performance or decision making

The Deputy Presiding Officer: Group 24 is on the publication of assessment reports. Amendment 16, in the name of the minister, is grouped with amendment 17.

Malcolm Chisholm: Amendments 16 and 17 will require the publication of the formal documents for which the proposed statutory assessment regime provides. In amendment 17, it is made clear that publication can be in electronic form. Amendments 16 and 17 pick up points that were made during the discussion on an amendment that Christine Grahame lodged at stage 2.

We accept that although it was always our expectation that such reports would be published, there is merit in a statutory requirement for proactive publication. We support measures to improve both the transparency of planning processes and the accountability of people who have a key role in making the system work better. I commend the amendments to the Parliament.

I move amendment 16.

Christine Grahame: I thank the minister. These are the first and, I suspect, the last amendments on which I will win today.

Amendment 16 agreed to.

Amendment 17 moved—[Malcolm Chisholm]—and agreed to.

Section 29—Fees and charges

The Deputy Presiding Officer: Group 25 is on financial provisions. Amendment 18, in the name of the minister, is grouped with amendment 148.

Johann Lamont: In section 29, we have included powers to make regulations to provide that a fee or charge may be remitted or refunded by a planning authority. Amendment 18 seeks to clarify the circumstances in which that can take place. It is our intention that when, in the opinion of Scottish ministers or someone who has been appointed by them—which, in practice, will mean the inquiry reporters unit—a planning authority has either behaved unreasonably or caused

unreasonable delay, part or all of the fee or charge that was paid by the applicant should be refunded. We hope that that will act as an incentive to planning authorities and provide some recompense to people who are inconvenienced by such events. I ask members to accept amendment 18.

Amendment 148 seeks to amend the grant-making powers in the bill so that ministers shall have due regard to the independence and impartiality of the bodies that provide planning advice and assistance. The same amendment was lodged at stage 2, when it was debated by the committee and defeated.

We recognise the importance of communities having access to independent, impartial advice—that is the basis on which we fund planning aid for Scotland. However, we know that there may be circumstances in which ministers would wish to fund organisations that would not necessarily be independent or impartial. For example, the recent Executive-funded Friends of the Earth project provided advice and advocacy support to community groups and individuals to get involved in the planning process, which included support and advice on specific applications and public local inquiries. Although there are no plans to fund a similar project at the moment, agreement to amendment 148 could restrict ministers' ability to assist such advocacy projects in the future.

The grant provision in the bill is intended to provide the flexibility that we require to fund a range of activities related to the support and improvement of the planning service, such as training for planners, e-planning and mediation; it is not just about providing direct support for communities. It is important to retain that flexibility and I am concerned that agreement to amendment 148 could lead to a situation in which we could not fund activities such as training or advocacy through the planning system. I therefore recommend that members reject amendment 148.

I move amendment 18.

Euan Robson: I am grateful to the minister for giving such an extensive series of reasons why amendment 148 is not helpful. There would be cause for concern if grant assistance were to be provided to groups that were demonstrably attached to particular campaigns or which have particular political—with a small p—ambitions. However, I note the minister's point about the need for flexibility and I appreciate his point about the involvement of Friends of the Earth in a particular advice scheme. Given those assurances, I will not move amendment 148.

Amendment 18 agreed to.

Section 30—Grants for advice and assistance

Amendment 148 not moved.

Section 33—Additional contributions and action

15:00

The Deputy Presiding Officer: Group 26 is on business improvement districts. Amendment 149, in the name of David McLetchie, is grouped with amendments 150, 34, 35, 151, 36, 89, 89A, 90 and 159.

David McLetchie (Edinburgh Pentlands) (Con): All over Scotland, businesses large and small are actively engaged with local communities and councils in improving localities within our cities, towns and villages to make them more attractive places in which to shop, work, rest and play. Such projects focus on, for instance, improving the streetscape by creating pedestrian areas with seats and benches, floral displays and information points and on preventing crime and promoting public safety through devices such as closed-circuit television. Those initiatives and partnerships are all welcome and to be commended.

The fact that such partnerships are to be found all around Scotland as we speak demonstrates that the Parliament need not pass new laws to enable such projects to be undertaken where there is support for them from the local business community. The projects are voluntary initiatives to which businesses contribute financially and to which many business owners, large and small, have made a strong personal commitment. The only reason for the existence of part 9 is that the Executive wants to create business improvement districts that are financed through a compulsory levy, which will be an additional tax on Scotland's businesses, which already contribute more than £2 billion in business rates towards the provision of local services and amenities.

Mrs Mary Mulligan (Linlithgow) (Lab): How would Mr McLetchie respond to the businesspeople of Bathgate, who are more than willing to contribute to such funds because they recognise the benefits that they will bring?

David McLetchie: If those businesses are happy to contribute on the basis of compulsion, they must be happy to contribute voluntarily. Why does the member not go round their doors and ask them to get their cheque books out, put their contributions in the fund and get on with the job? Businesses can do that today. We do not need to pass any laws requiring businesses to contribute to such funds.

The purpose of amendment 149 is to remove the element of compulsion. Payment of a BID levy should be voluntary rather than compulsory. That is what amendment 149 is designed to achieve.

Amendment 150, which is also in my name, is designed to underpin the principle of freedom of contract in the negotiation of commercial leases in Scotland. The Scottish Executive wants property owners to pay a share of any BID levy that is raised. That is not the case in England. The Executive is guilty of a fundamental failure to understand how the commercial property market works in the United Kingdom as a whole. The foundation of that market is the full repairing and insuring lease whereby, in order to generate a pure investment return for investors, obligations such as a BID levy normally fall on tenants under the terms of the contract into which they voluntarily enter.

The Executive needs to tell us whether it intends to introduce subordinate legislation to prevent landlords from passing on to tenants their share of a BID levy, either specifically or in the form of an increased service charge, and whether such regulations will apply to existing leases whose terms would have the effect of transferring that responsibility. If that is the Executive's intention, it is wrong and I urge members to support amendment 150. However, if that is not the Executive's intention, it can have no objection to the amendment, which merely asserts the principle of freedom of contract—it would be up to the landlord and tenant to determine where the liability for a BID levy would fall and not for the Executive or anyone else to dictate that to them.

Amendment 151 focuses on the principle of additionality. The Executive has told us constantly that those who pay a BID levy will receive enhanced services and amenities within the BID. Accordingly, it would therefore be wrong for businesses in an adjoining area that is not a BID to receive the same enhanced services and amenities without paying an additional levy on top of their general business rates. One business should not compulsorily have to pay extra for a service that another business two streets away receives for nothing. If businesses pay extra, they should get extra; that is what additionality means. That is what BIDs are supposed to be about, in which case the Executive should assert that principle by supporting amendment 151, which is most reasonable.

I move amendment 149.

Malcolm Chisholm: Amendment 149 is unnecessary and would undermine BIDs fundamentally. In effect, it would allow businesses to vote yes to a BID but then never make a contribution through the levy. As was explained to the Communities Committee at stage 2, the

proposal is misconceived because, under section 33, businesses will decide for themselves whether they want to set up a BID and will then work together for the benefits that it can bring, in consultation and agreement with their council. Mary Mulligan made a good intervention on David McLetchie, who must know that a BID will be set up only if businesses are convinced of the need for it. The policy seeks to empower businesses. Most business organisations support the introduction of BIDs and many of them were represented on the working group that came up with the proposals.

I am aware of reports in some quarters that the BID levy could be as much as 10 per cent of rateable value, but we have made it clear that the levy should usually be no more than 1 per cent of rateable value. Amendment 149 would be bureaucratic, as it would require a written undertaking from every business that was to pay the levy; it would undermine the financial viability of BID proposals, because the number of businesses that would pay would be unknown; and it would be unfair, as some businesses in a BID would subsidise others, after the BID had been properly approved and agreed by businesses in the area. We believe that businesses will benefit from being part of a BID. I repeat that, at the end of the day, businesses will decide on the matter. The majority of business organisations in Scotland, based on experience elsewhere, agree with our view. I therefore ask members to reject amendment 149.

Amendment 150 would place formally in the bill an ability for owners of property to pass on their liability to non-domestic ratepayers, thus ensuring the owner's non-payment of the levy. The bill already allows for owners to be excluded, provided that the BID proposer—and not the Executive, as David McLetchie suggested—considers that to be the best approach for the area. I am satisfied by that approach but not by the restrictive one that David McLetchie proposes.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister give the Parliament an unequivocal assurance that there will be no circumstances in which one business would pay two levies, first as a tenant and secondly because, under the commercial lease under which they occupy the premises, they are responsible for the owner's BID levy?

Malcolm Chisholm: As I am not responsible for the policy area, it would be fair if I got a note to give me the answer to that. The proposals are in the bill, but they are the responsibility of the Scottish Executive Finance and Central Services Department and the Minister for Finance and Public Service Reform. I will not give a hasty answer to that without having received advice.

Stewart Stevenson: On a point of order, Presiding Officer. Are you minded to make time for the Minister for Finance and Public Service Reform or his deputy to speak on the issue?

The Deputy Presiding Officer: I am afraid that neither of those ministers has pressed their request-to-speak button, but if one of them does so, it would be appropriate for them to speak.

Tricia Marwick: Further to that point of order, Presiding Officer. We are considering stage 3 of a bill, which will no doubt go into law today, so it is important that, when members have questions about it, we have a minister present who can put the answer on record. The Executive's practice is simply not acceptable, so I hope that you will make a ruling on that.

The Deputy Presiding Officer: I cannot make a ruling because the point is not about the standing orders. I hear Tricia Marwick's point—other members will doubtless take it into consideration when they decide how to vote on the amendments in the group.

Malcolm Chisholm: The reason why I said that I would not give a hasty answer is that an answer will be given before the end of this speech. Members must understand that part 9 comes from another department. Obviously, I understand the generality of the policy but, if there is a detailed question to which I do not know the answer, I will seek advice on it. There is nothing unusual about that.

Through the BIDs working group, representatives from the public and private sectors urged us to legislate for owners to be part of BIDs, as did the majority of responses to the public consultation. The bill reduces the risk that owners will benefit from a successful BID project at the expense of occupiers who pay the levy. At stage 2, the committee rejected an amendment with the same outcome as amendment 150, which I ask members to reject as well.

David McLetchie: Will the minister acknowledge—or would he like his researchers to establish for him—that the Scottish Executive does not have the power to impose a BID levy on anybody at present and is seeking that power from Her Majesty's Government?

Malcolm Chisholm: Indeed. We have asked for an order on that under section 104 of the Scotland Act 1998 and it has been granted.

Amendment 34, together with amendments 35 and 36, provides for the allocation of a vote to each property that is liable for non-domestic rates. Those amendments will also allow the allocation of a single vote to each property owner or tenant who is eligible to vote. That voting arrangement best provides for the involvement of property owners

and is based on the views of the BIDs working group. It will usually give greater weight to the votes of the more numerous, smaller non-domestic ratepayers participating in part 1 of the ballot, compared with part 2 of the ballot, which weights votes and could be dominated by larger interests of owners and tenants. The result will be a balancing of different voting interests over the first and second parts of a BID ballot.

Amendment 36 acknowledges that voting arrangements for BIDs are not straightforward. We will include in secondary legislation the details of the allocation of votes between non-domestic ratepayers and other owners and tenants who are entitled to vote. Putting those requirements in regulations will allow scope to reflect the variety of permutations of owners, tenants, non-domestic ratepayers and so on in a BID, especially where those persons may be interchangeable or overlap. The level of detail that is required to cover those permutations is not appropriate for primary legislation, and amendment 36 provides for it to be covered in secondary legislation.

I recommend that members accept amendments 34 to 36.

Although I agree that councils should work together with businesses throughout their areas and should not do anything to undermine or cut across existing BID projects, I cannot understand the rationale for amendment 151. I can illustrate the issue by referring to the BID pilot that is taking place in Inverness city centre. If amendment 151 were agreed to, it would prevent Highland Council from undertaking work in another part of its area—for example, in Wick or Thurso, which are more than 100 miles from Inverness—simply because a BID is already doing similar work. Where is the logic in that? As we explained at stage 2, when a virtually identical amendment was rejected, I am open to any amendment to make the bill stronger; amendment 151 does not do that, so I ask that it be rejected.

The Executive will monitor the effectiveness of BID arrangements on behalf of the Scottish ministers. To improve BID arrangements, the Executive may propose to alter the groups that are eligible to vote in the BID ballot; the veto criteria that local authorities will apply to BID proposals; and the allocation of votes between non-domestic ratepayers and owners and tenants. Amendment 90 and amendment 159, which takes account of the Subordinate Legislation Committee's views, make such important changes possible only by regulations under affirmative procedure. Parliament, therefore, will have the opportunity to approve such recommendations and improve the workings of BID arrangements. Related amendments 89 and 89A are consequential on those amendments.

Dr Jackson: The minister mentioned amendments 90 and 159 in connection with secondary legislation. I have it noted down that the relevant amendments are amendments 89A and 159. I just want to clarify that.

Malcolm Chisholm: I have it noted down that the related amendments, amendments 89 and 89A, are consequential.

Dr Jackson: That is fine.

15:15

Malcolm Chisholm: I therefore recommend that amendments 89, 89A, 90 and 159 be accepted.

In response to Fergus Ewing's question, the weighting of the levy depends on the weighting of the vote. It is possible that a person will vote and pay as both a ratepayer and an owner. However, the vote and the burden are weighted accordingly.

Fergus Ewing: Obviously, voluntary schemes whereby businesses contribute towards city centres have played a part in Scottish civic life and will continue to do so, as in Inverness and Bathgate. However, the so-called pilot BID schemes that the Executive has discussed throughout the passage of the bill are not BIDs at all, because businesses pay nothing. They are bungs of public money, designed to win the support of business. That is straightforward.

Let me come directly to the point. The SNP campaigned against the higher business tax that was imposed by the First Minister when he was Minister for Finance, which was called—eponymously and, I thought, rather generously—Jack's tax. Since then, we have had seven years of higher tax in Scotland than in England. Eventually, the Executive recognised that it had got it wrong, and it is scrapping it. It is too late, though—that will not apply until the year after the current Executive has demitted office.

Once we get rid of Jack's tax, we will find it replaced by Lamont's levy, Malcolm's money or Chisholm's cash. The point about BIDs is simple. Whether they want to or not, businesses that have voted against the proposal will have to pay a higher tax. This morning, the First Minister, in full rattled mode, was talking about the perceived impact on business of things that might happen. Is he really saying that those higher taxes on small businesses in Scotland are welcomed by small businesses? They are not welcomed by the Federation of Small Businesses.

Let me move to the revelation from today's debate. The Executive that brought us higher taxation now brings us double taxation. The Minister for Communities has just indicated that nothing in the bill will prevent a business from paying twice. It is very simple—if the First Minister

understands commercial life. The tenant will have to pay—because they are the tenant—as is clear under any BID scheme. Anyone who has ever had contact with a commercial lease will know fine well that, in virtually every commercial lease that exists in this country, there is a provision that says that landowners are entitled to pass to tenants liability for any rates, impositions or taxes, whether national or local. What is this if not a local tax? There is a clear and present danger that businesses will have to pay double taxation.

The minister was plainly hit by surprise by my rather simple, modest intervention. He did not appear to notice that it was not my idea—it was in the Local Government and Transport Committee's report, at paragraph 57.

The Deputy Presiding Officer: You have one minute left.

Fergus Ewing: Thank you. I can do a lot in a minute, Presiding Officer.

The Deputy Presiding Officer: I have already given you three, Mr Ewing. You have a bonus minute, because you are doing so well.

Fergus Ewing: I hope it is always thus.

I will quote from paragraph 57 of the Local Government and Transport Committee's report on the bill at stage 1, which has been out for months. One would expect the minister to have read that parliamentary report—ministers are always going on about how they listen to Parliament. It says:

"There is a question as to whether landlords or property owners who pay a levy will recoup it from their tenants".

However, the minister did not know about that today—sleeping on the job, not noticing it. Malcolm's money is coming to businesses, not once, but twice. That is double taxation. Who says the Executive is fit to run the country if its specialist subjects appear to be poor legislation and shambolic management of the public finances?

Scott Barrie: I will speak against the amendments in the name of David McLetchie. Similar amendments were lodged and rejected by the committee at stage 2. David McLetchie was right to say that a BID levy would be implemented, but he failed to acknowledge that a levy could be implemented only if local businesses voted for it. I see nothing wrong with local businesses working in partnership with local authorities to improve the districts in which they trade. If businesses did that and wanted to reinvest in their areas, it would be completely wrong if some businesses in those areas enjoyed all the advantages of that but paid nothing for it.

David McLetchie wants us to accept the strange concept that someone can opt out of the result of

a decision on which they had a vote. I have never heard a Tory argue that people who did not vote for a national Government should not pay the taxes that that Government imposes. When people vote for something, they must do what is required.

Nobody will vote for a business improvement district unless they believe that they will get something out of it. It is ludicrous to suggest that people would blithely say that they would pay another 1 per cent of rateable value without taking great interest in what they got for that. If BID is to succeed, it will be important that all businesses are signed up to them. The way to achieve that is to have a ballot and take it from there.

BIDs offer a tremendous opportunity.

Bruce Crawford (Mid Scotland and Fife) (SNP): Employment in Dunfermline has just taken two major hits. If a small business there that was starting in its life to try to grow from a small acorn into a large oak tree voted no, would it be right that it still had to pay the BID levy, which might push it over the edge so that it could no longer survive?

Scott Barrie: Dunfermline is a good example and I am interested in what local businesses there think of the idea. Several local businesses have told me that they are interested in the concept of BIDs, in whether they could contribute to that and in whether they would get something out of it. As I said, no business would vote for a BID levy if it did not think that that would be in its interest.

My answer to Mr Crawford's direct point is that if a business thinks that it will get something out of a BID, it is not unfair to ask it to put something in. The levy will not be a flat rate for all businesses—it will be a percentage of rates, so a small business will pay considerably less than a larger business will. That principle is fair.

The BID proposal is good and is worthy of consideration. An interesting point about the debate is to ask why, if members disagreed with BIDs and thought that introducing them was the wrong thing to do, they did not lodge amendments to remove BIDs from the bill. Such amendments were not lodged; members just want to play at it.

Dave Petrie: I will add to what David McLetchie said. How much more will we land our businesses with? They pay massive water charges and massive business rates and now we are to ask them to pay for BIDs. The system should be voluntary; as Fergus Ewing said, such a system works perfectly well up north. Also, there is no question but that either the tenant or the owner, but not both, should pay. Finally, as David McLetchie said, businesses that pay extra should get extra.

Christine Grahame: I will respond to a comment by Scott Barrie. The Scottish National Party has had to lodge an amendment to the motion to pass the bill because it is not competent to amend a purpose of a bill, and one of the bill's purposes is

"to make provision for business improvement districts".

Otherwise, we would have lodged an amendment to delete the provisions on BIDs.

The Deputy Presiding Officer: Bristow Muldoon has two minutes.

Bristow Muldoon (Livingston) (Lab): I will make a brief speech and I will not require the full two minutes.

The position for which the Scottish National Party and the Conservative party have argued would not improve businesses in Scotland but would create a freeloaders charter. It would create a situation in which businesses that were prepared to invest funded improvements in town centres while businesses that declined to put resources into that would benefit without contributing.

I draw attention to the fact that business improvement districts are up and running in the UK—they operate in England. In many town and city centres in England, businesses have willingly voted by substantial majorities to implement business improvement districts. The SNP and the Conservatives are saying that Scottish businesses cannot take a conscious decision about what is in their best interests in the way that English businesses can. They do not trust Scottish businesses to make informed judgments. We should reject the amendments in the name of David McLetchie and the SNP's amendment to the motion on the bill, which we will debate later.

David McLetchie: I take strong exception to the minister's comment that amendment 149 is misconceived, because it is far from misconceived; indeed, it was carefully conceived in order to establish the principle of voluntary payment as opposed to the principle of compulsorily extracting funds from people who see no worth or merit in proposals that will affect their locality. I also take strong exception—as I am sure Scotland's businesses will—to what Bristow Muldoon said about freeloaders. Those freeloaders already pay £2 billion a year in Scottish taxes. It is absurd to characterise them in such a way.

Mr Barrie said that things will be all right because people will get to vote. The Scott Barrie concept of democracy is two wolves and a sheep sitting down to decide what is for lunch—it is ridiculous. We cannot create a subset of taxpayers in this country and decide that they should get to vote on whether they should all pay extra money.

Taxes are levied by councils and Parliaments that all of us elect. We should not chop up the country, allow one group of people to impose their ideas on others and then allow money to be compulsorily extracted from those people. That is a negation of democracy—it is not democracy at all.

I echo a point that the SNP ably made. It is not true to say, as the minister asserted, that businesses in Scotland support the BID proposals. The Federation of Small Businesses, which is one of the largest business organisations, is wholly opposed to them. Members will know that because it was reasserted only this week in the briefing that they received in advance of the debate.

The Scottish Executive's performance in dealing with amendment 150 was lamentable. It does not have a clue about what the impact will be of imposing a landlord levy and the implications of that for new and existing leases in Scotland. Mr Ewing made that point very well and I am sure that he will do so again now.

Fergus Ewing: Given that the Executive appears to have implicitly admitted that it will be possible for businesses to be levied twice, does Mr McLetchie believe that it is prudent to press amendment 150, as it would assist the Executive in that purpose?

David McLetchie: It is prudent to resolve the whole issue and not to undermine the UK's property investment market. I am sure that Mr Ewing knows that undermining that market would have disastrous effects on property investment in this country.

The point that I made about amendment 151, which focuses on the principle of additionality, is that it is fair. We have heard about Highland Council and businesses in Inverness and Wick. The simple question is why a business in Nairn should pay extra for a service that a business in Wick gets for nothing. The amendment would ensure that that does not happen, that there is a level playing field, that if somebody pays extra, they will get extra and that people will not pay more for nothing.

The Deputy Presiding Officer: The question is, that amendment 149 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. I suspend the meeting for five minutes while the division bell is rung.

15:28

Meeting suspended.

15:33

On resuming—

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

For

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brownlee, Derek (South of Scotland) (Con)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Davidson, Mr David (North East Scotland) (Con)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (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)
Lochhead, Richard (Moray) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (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)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
Watt, Ms Maureen (North East Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
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)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Frances (West of Scotland) (SSP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fox, Colin (Lothians) (SSP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 37, Against 78, Abstentions 1.

Amendment 149 disagreed to.

Amendment 150 moved—[David McLetchie].

The Deputy Presiding Officer: The question is, that amendment 150 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

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

The Deputy Presiding Officer: The result of the division is: For 20, Against 71, Abstentions 27.

Amendment 150 disagreed to.

Section 37—Approval in ballot

Amendment 34 moved—[Malcolm Chisholm].

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 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)
 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Martin, Campbell (West of Scotland) (Ind)

ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

The Deputy Presiding Officer: The result of the division is: For 112, Against 1, Abstentions 5.

Amendment 34 agreed to.

Section 38—Approval in ballot – alternative conditions

Amendment 35 moved—[Malcolm Chisholm]—and agreed to.

After section 42

Amendment 151 moved—[David McLetchie].

The Deputy Presiding Officer: The question is, that amendment 151 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 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)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Swinburne, John (Central Scotland) (SSCUP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 78, Abstentions 2.

Amendment 151 disagreed to.

Section 43—Regulations about ballots

Amendment 36 moved—[Malcolm Chisholm]—and agreed to.

Section 44—Further provision as to regulations under Part 9

Amendment 89 moved—[Malcolm Chisholm].

Amendment 89A moved—[Dr Sylvia Jackson].

The Deputy Presiding Officer: The question is, that amendment 89A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 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)
 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 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)

AGAINST

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

The Deputy Presiding Officer: The result of the division is: For 110, Against 1, Abstentions 5.

Amendment 89A agreed to.

The Deputy Presiding Officer: The question is, that amendment 89, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 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)
 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 112, Against 0, Abstentions 6.

Amendment 89, as amended, agreed to.

Amendment 90 moved—[Malcolm Chisholm]—and agreed to.

Amendment 159 moved—[Sylvia Jackson]—and agreed to.

Section 46B—Equal opportunities

The Deputy Presiding Officer: Group 27 is on equal opportunities. Amendment 152, in the name of Cathy Peattie, is the only amendment in the group.

Cathy Peattie (Falkirk East) (Lab): Amendment 152 is a probing amendment. Accommodation remains one of the main problems that face Gypsies and Travellers in Scotland. In its 2001 report on the plight of Gypsies and Travellers, the Equal Opportunities Committee made a number of recommendations to the Scottish Executive and local authorities. The committee has reviewed progress since then and, although we are happy that the Executive is looking at our recommendations, we are disappointed by the lack of progress.

Things are no better for Gypsies and Travellers in Scotland. The committee hoped that the Housing (Scotland) Bill would take the accommodation of Gypsies and Travellers on board, but it did not. It is vital that planners have regard to the special needs of Gypsies and Travellers in Scotland. Planning authorities must make suitable provision for sites for Gypsies and Travellers and find ways to meet their needs.

I seek assurances from the minister and ask her to make a commitment to end discrimination and prejudice against Gypsies and Travellers in Scotland.

I move amendment 152.

Karen Whitefield: I appreciate Cathy Peattie's concern and her desire to advance the case of Gypsy Travellers. That is, I hope, something that many of us in the chamber would support. However, at stage 2, an Executive amendment was lodged to place a duty on local authorities to promote equal opportunities. That will ensure that Gypsy Travellers' needs are taken into account in the planning process. In those circumstances, it would be inappropriate to single out Gypsy Travellers and mention them in the bill. To do so would be to the detriment and disadvantage of other minority groups that were not mentioned, such as women and ethnic minorities.

Linda Fabiani (Central Scotland) (SNP): I am not convinced that Gypsy Travellers can be put in the same category as other minority groups, because it is obvious that they are discriminated against in all walks of life, particularly in housing, as has been discussed many times in the chamber and in committees, including during the passage of the Housing (Scotland) Bill.

It is a fact that local authorities often prevaricate about their perceived duties in relation to Gypsy Travellers. I will be interested to hear what the minister says, but in my view it cannot be stated too often that Gypsy Travellers have needs that should be addressed, that we have not addressed those needs for decades and that it should be enshrined in legislation that special treatment should be given.

Karen Gillon (Clydesdale) (Lab): I am sympathetic to the views that my colleague Cathy Peattie expressed. The picture is patchy across Scotland. In my area, South Lanarkshire, we have a good story to tell, but that is not the case in all areas. Discrimination still takes place, and I am sure that members share my concern about—and would wish to distance themselves from—the comments that were made last week by a Conservative in Edinburgh on the Hearts website.

If the minister does not accept amendment 152, I ask her to say what steps she will take to ensure that local authorities do not discriminate against Gypsy Travellers. In the same vein, I ask her to clarify how she can ensure through guidance that new developments such as shopping centres and hospitals meet the needs of adults with disabilities who do not currently get access to proper toileting facilities or who require bed toilet facilities. I have a number of young constituents who cannot enjoy a full social life because they cannot get access to proper toileting facilities, which others take for granted.

15:45

Johann Lamont: As Karen Whitefield said, the Planning etc (Scotland) Bill was amended at stage 2 to place a duty on Scottish ministers and planning authorities to perform their functions in a manner that would encourage equal opportunities. We cannot dismiss the significance of that step, or the challenge that it presents.

We acknowledge that providing equality of opportunity might mean treating some sectors of society differently from others. We have to understand that Gypsies/Travellers have particular needs.

I acknowledge the commitment of Cathy Peattie and members of the Equal Opportunities Committee, who have highlighted issues relating to Gypsies/Travellers. Our overarching equality duty must address their needs as much it addresses the needs of any other group. I acknowledge the challenge that that will present to planning. However, I do not agree that the situation for Gypsies/Travellers is no better than it was when the Equal Opportunities Committee first considered the issue. Work is going on. An awful lot more remains to be done, but we would end up with a counsel of despair if we did not accept that some progress had been made.

The package of planning reforms that we are implementing will provide greater opportunities for individuals and communities to engage in a more open and accessible planning system. As we discussed at stage 2, we have to understand that it can be difficult for some groups in the community to engage, and, clearly, that is true for

Gypsies/Travellers. It will be a challenge for those who develop participation strategies to understand that community engagement is not simply about setting up a meeting in a village hall on a Friday night and then complaining when nobody turns up. Some people have a life and would not necessarily want to go to a meeting at that time. Gypsies/Travellers face particular barriers, and that has to be understood in any participation strategy. We will have to engage with those groups in developing an appropriate strategy.

Guidance to planning authorities on housing makes it clear that local development plans should make provision for Gypsy/traveller sites where a need is demonstrated in the local housing strategy. That strategy will be critical in understanding how to meet the needs of Gypsies/Travellers.

I chaired a strategic group on Gypsies/Travellers and we identified several action points that will have to be addressed. Some of those action points were on housing issues.

Our significant investment in site provision has given us the opportunity to take a more imaginative and creative view of the housing needs of Gypsies/Travellers. I have no doubt that, if we were to falter in that work, members of the Equal Opportunities Committee and other members across the chamber would pursue the issue with us.

Karen Gillon raised an issue that she has highlighted before. In planning policy and advice, we acknowledge the need to make appropriate provision to minimise the impact on disabled people and to give them access to services such as toilet facilities in shopping centres. The whole thrust of the planning package will ensure that, if such services and facilities are not being provided, that will be acknowledged quickly so that future development plans and proposals address those practical issues. That will be critical. The planning system cannot be responsible for absolutely everything, but it will create a context in which such specific needs can be addressed.

I hope that Cathy Peattie will not press amendment 152. The issues in the amendment are clearly in line with the Executive's equal opportunities commitments to engage with Gypsies/Travellers and to understand, through that engagement, how their needs are expressed at the local level so that those needs can be met.

The Deputy Presiding Officer: I now invite Cathy Peattie to wind up. I can allow you two minutes.

Cathy Peattie: I will probably not need a full two minutes, Presiding Officer.

I thank the minister for her commitment to ensuring that the strategic working group got together. That group is very important and I look forward to its report.

The minister was right to talk about the way in which people can participate. It is not enough for people to say, "We will look at ways of consulting Gypsies and Travellers," but then not find ways of ensuring that there is real participation.

It is not all doom and gloom; some local authorities do a very good job. However, more and more Gypsies and Travellers are finding it more difficult to find appropriate places to park their caravans.

I welcome the minister's comments. It is important that we monitor the situation. People must not continue to say, "We are doing this work," when they are not actually doing it. Gypsy Travellers should not be able to say, "This is all very well, but life for us is just as difficult as before."

The Deputy Presiding Officer: Are you pressing amendment 152?

Cathy Peattie: No.

The Deputy Presiding Officer: Do members agree that amendment 152 be withdrawn?

Members: No.

The Deputy Presiding Officer: The question is, that amendment 152 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 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, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

The Deputy Presiding Officer: The result of the division is: For 19, Against 68, Abstentions 25.

Amendment 152 disagreed to.

After section 46B

The Deputy Presiding Officer: Group 28 is on regulations in connection with inquiries, etc. Amendment 92, in the name of the minister, is the only amendment in the group.

Johann Lamont: Amendment 92 will enable regulations to be made under the Town and Country Planning (Scotland) Act 1997 to govern procedures for inquiries, hearings and reviews under that act. In particular, the amendment is intended to enable comprehensive regulations to be made governing the handling by Scottish ministers of appeals and called-in applications.

At present, the procedures for inquiries, hearings and written submissions are governed by different rules and regulations, reflecting the fact that only one type of procedure is normally used in any one case. Through regulations made under the bill's provisions, we intend that ministers should decide the most appropriate procedure for each appeal or call-in, depending on the nature of the material that needs to be examined and the complexity of the issues raised. Oral procedure—whether for a formal inquiry or a more informal hearing process—will normally be reserved for the complex elements of a case in which issues cannot be resolved by consideration of a party's written submissions. In many cases, the procedure will involve a combination of inquiry, hearing and written submissions. It therefore makes sense to have comprehensive regulations that cover all the options. Those who are involved with appeals—whether planning authorities, appellants or the community—will thus have a single reference document setting out their rights in the process and the obligations that they are required to meet. I therefore ask members to support the amendment.

I move amendment 92.

Amendment 92 agreed to.

The Deputy Presiding Officer: Group 29 is on promotion of mediation. Amendment 153, in the name of Christine Grahame, is the only amendment in the group.

Christine Grahame: Several years ago, I attended a mediation conference in Baltimore, Maryland, along with senior members of the legal profession, the Faculty of Advocates, the Scottish Legal Aid Board and the Scottish Consumer Council, to study the operation of mediation in that state across a whole sphere of activity. It was being used not just as we are used to it being used in Scotland—in family law courts and sometimes contracts—but in large commercial contracts, in planning and in neighbourhood disputes. It was used throughout Maryland and was promoted by the leaders in that state. I make it plain that I am that dreadful thing: a convert.

I also make it plain that mediation is not arbitration. The two must not be confused. Arbitration requires a third party to come to a decision—a judgment—that is then imposed on the other parties and is binding. Therefore, in their perception, there is nearly always a winner and a loser, as there is in court judgments. That is not mediation. Mediation involves trained mediators sitting with parties at dispute and in conflict to seek, by consensus, a binding resolution. The perception in mediation is that there are no winners or losers; as Del Boy would say, "Everyone's a winner." It saves grief, money and time.

I commend this enabling amendment to the minister as a progressive step. The minister says that there will be a culture change in the way in which we go through the planning process. In my view, amendment 153 would enhance that culture change and could lead to further mediation in other areas in Scotland.

I move amendment 153.

Malcolm Chisholm: Amendment 153 would give ministers a power to make regulations to promote the use of mediation. There is no doubt that mediation is a useful tool—a non-adversarial approach that helps to build consensus and to improve relationships around potentially difficult issues. Although mediation can be a useful process in areas such as family law, where couples might agree to use an independent third party to help them to discuss and resolve areas of conflict, there is little evidence of the benefits that it could bring to the planning system. That is why we have said that we will run a pilot to see whether formal mediation can be applied effectively to the planning system and to evaluate its potential impacts and costs.

Mediation is just one of a number of tools for involving communities in the planning process. The planning advice note on community engagement proposes a number of engagement techniques, including mediation. I do not wish one method—especially a method that is relatively untested in the planning system—to be given prominence in the bill, potentially at the expense of others. It could also be counterproductive to require in law something that should be approached on a voluntary basis, with the agreement of both sides. I do not support amendment 153 and urge members to reject it.

Christine Grahame: As I have indicated previously in the chamber, there is a vast amount of evidence that mediation works. I suggest that the minister considers the successful operation of mediation in Maryland, the state to which I referred. Major commercial companies use mediation because it saves them a great deal of money and time.

Amendment 153 does not make mediation mandatory but leaves it to the discretion of Scottish ministers, who

“may by regulations make provision to promote the use of mediation”.

The amendment does not make the minister promote mediation, but simply leaves it open to him to take up that opportunity—or not, as the case may be. His response is rather unhappy—I was hoping that we would move forward with culture change. If we want to get away from conflict in planning, mediation is the way in which to do that. I am sorry that the minister will not support amendment 153.

The Deputy Presiding Officer: The question is, that amendment 153 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 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)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 38, Against 74, Abstentions 1.

Amendment 153 disagreed to.

Section 48—Further amendment of the principal Act

Amendment 155 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 155 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Swinburne, John (Central Scotland) (SSCUP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 72, Abstentions 2.

Amendment 155 disagreed to.

Amendment 154 not moved.

Amendment 91 moved—[Malcolm Chisholm]—and agreed to.

Amendments 160 and 161 moved—[Dr Sylvia Jackson]—and agreed to.

Before section 50

16:00

The Deputy Presiding Officer: Group 30 is on report on implementation. Amendment 156, in the name of Sarah Boyack, is the only amendment in the group.

Sarah Boyack: We would all agree that the Planning etc (Scotland) Bill is one of the most important pieces of legislation that the Parliament will pass. Amendment 156 is a probing amendment that is designed to try to get a feel from the Executive as to what it intends to do in future to review the legislation. The fact that the Communities Committee spent a marathon amount of time scrutinising the bill, with lots of input from members who were not on the committee, and the fact that 20 MSPs have lodged amendments for stage 3 consideration, tell us that there is huge interest across the Parliament in the successful implementation of the bill.

Many of us will have attended meetings in our communities on local plans and planning applications over the past year, so we know that there is also great interest in planning outside the Parliament. The bill is complex and implementing it will require additional resources and a big change in culture in our local authorities and in our

development industry. If implementation is to be successful, we will need to follow through on that interest. We will need trained planners who are equipped to lead that process of engagement and, I hope, empowerment of local communities.

It will be important that we monitor the success of the bill as a Parliament. Through development plans, we have sought a much more effective system of providing a framework for the protection of the environment. That will require a greater investment by those local authorities that have not hitherto made that a priority, so we will want to keep an eye on that. We must consider how the election of local authorities under a different system will affect the planning system, given the new procedures for neighbour notification, the delegation of decision making and some of the notification procedures that the Executive has put into the new framework. Implementing the bill will also require the revision of a lot of Executive guidance, and I hope that implementation will focus on the outcomes as well as the processes. We must examine how the planning process delivers better outcomes.

I would like the minister to take the opportunity, in responding to amendment 156, to outline the timescales within which she envisages that the Executive will review the bill. We have had a lot of discussion in Parliament about the importance of post-legislative scrutiny. To make the Planning etc (Scotland) Bill a success, the Parliament will have to review its implementation. I would like to hear how the Executive sees the implementation of the bill.

In amendment 156, I suggest a timescale of three years. I note that, in a letter to the Communities Committee, the deputy minister suggests that it will take two years just to revise and issue some of the guidance, so she might think that a three-year timescale is too short. However, I believe that we need to start to review the bill within five years, and certainly within a decade, of royal assent. Perhaps the trick is to have a programme from the Executive that is similar to the programme that was built up for the bill's introduction.

As I said, amendment 156 is a probing amendment, but it makes an important point about post-legislative scrutiny. I certainly hope that the Scottish Parliament will spend more time in the next session on scrutiny of how acts have been implemented than it spends on new proposals. That will be absolutely crucial for the Planning etc (Scotland) Bill.

I move amendment 156.

Susan Deacon: Although I do not support the detail of amendment 156, I absolutely support the sentiments that Sarah Boyack has just articulated.

I ask the minister, in responding, to comment specifically on the resourcing capacity that will be put in place to drive forward the implementation process, nationally and locally.

Members have copies of the deputy minister's letter to the convener of the Communities Committee. I have some concern about the emphasis that it places on secondary legislation and guidance, and I seek an assurance that the Executive will place appropriate emphasis on the human dimension of leadership, dialogue, training and other such methods of driving momentum behind the process.

I also ask the minister whether a process will be put in place to ensure that the various stakeholders and the range of organisations that have an interest in the bill will now turn their minds to what happens after it is passed. In that regard, I welcome the contribution from the Scottish Council for Development and Industry, which is indeed looking beyond the bill. I would like to see more external organisations doing so from here on in.

Johann Lamont: One of the things that I have learned in this job is that planners are human. Therefore, their energy and enthusiasm will ensure that the human dimension of planning and the crucial role of communities are recognised.

I take Susan Deacon's point that there is also a challenge for stakeholders. Some of them have engaged with the process as the bill has gone through Parliament, but others were content to stand on the sidelines and shout. It is crucial that everyone who has an interest in the matter engages with the process.

Sarah Boyack is correct to say that there has already been a significant amount of engagement in the Parliament and through the committee process. It sometimes felt as if everybody and their granny was at the committee when we considered the bill. There is no doubt that people engaged seriously with the process. I acknowledge the role of Sarah Boyack, who ensured that she voiced her concerns on behalf of her constituents.

Amendment 156 would require ministers to report to Parliament on the implementation of the legislation, particularly in respect of actions taken by ministers and planning authorities.

The Communities Committee discussed the issue in detail at stage 2. It was recognised across the committee that an important principle is involved and that it is essential to keep a careful eye on the implementation of legislation to ensure that a gap does not open up between what has been claimed and what is delivered. However, it became clear in that discussion that a single snapshot report was not the best way to address the issue and that such a provision would be too prescriptive.

We already have examples of fixed dates that were set for reporting back to the Parliament on an issue proving to be inappropriately timed. For example, we reported back on the right to buy before we got to the stage at which the changes that had been implemented in the Housing (Scotland) Act 2001 could be followed through.

It is, of course, essential that ministers maintain an open and constructive dialogue with the Parliament on the implementation of policy and legislation in general. Parliament has a clear role in scrutinising implementation.

In the case of planning, we fully intend to keep the Communities Committee, the Parliament and all interested parties up to date with progress on the many aspects of planning modernisation. There will be an extensive programme of secondary legislation, and we have responded to concerns raised by the Subordinate Legislation Committee in that regard by putting in place the safeguards that it wanted.

Members will appreciate that implementation of the programme will take a number of years. However, I am happy to put on record our commitment to ensuring that, if the bill is passed, Parliament is kept properly and fully informed of progress made in implementation. I have already written to the Communities Committee to give an indicative outline timetable for implementation. As I said, much of this will come back to Parliament in the form of secondary legislation. There will also be on-going monitoring reports on the national planning framework.

Many other planning documents, such as Scottish planning policies, will be discussed with the committee. We have had productive engagement in that regard. We are also happy to discuss further with the Communities Committee how best to ensure that Parliament is kept properly informed and engaged. We already have a good record in engaging—

The Deputy Presiding Officer (Trish Godman): The minister should be finishing now.

Johann Lamont: I want to make this point, because it is crucial.

In not supporting amendment 156, we are committed to engaging with all those who have an interest in the matter. The bill is the product of such engagement. Our officials are to be congratulated on the way in which they have engaged up to now. I would rather build on that approach and encourage and develop an on-going dialogue in which we continue to monitor and debate the transformation process with all interested parties through to the end. At the heart of the bill is the fact that we want the legislation to work, so we will ensure that there is close monitoring and reporting as we progress.

I identify absolutely with the views that Sarah Boyack expressed when she clarified the purpose of amendment 156, but I urge her not to be prescriptive about the timescale and to ensure that the continuing dialogue is sustained. I urge her not to press amendment 156, but to recognise that the policy position that underpins it is one that the planners will take forward.

The Deputy Presiding Officer: Ms Boyack, I ask you to indicate whether you are pressing or withdrawing amendment 156. You have no time to wind up on it.

Sarah Boyack: On the basis of the minister's response, I seek leave to withdraw amendment 156, if the Parliament is happy to let me do so.

The Deputy Presiding Officer: Do members agree that amendment 156 be withdrawn?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (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)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)

Sheridan, Tommy (Glasgow) (Sol)
 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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 53, Against 60, Abstentions 1.

Amendment 156 disagreed to.

Schedule

REPEALS

Amendments 157 and 158 not moved.

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

Planning etc (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-4921, in the name of Malcolm Chisholm, that the Parliament agrees that the Planning etc (Scotland) Bill be passed.

16:11

The Minister for Communities (Malcolm Chisholm): I must begin with a statement on Crown consent. For the purposes of rule 9.11 of the standing orders, I wish to advise Parliament that Her Majesty, having been informed of the purport of the Planning etc (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

I place on record my thanks to the Communities Committee and its clerks for their exceptionally thorough consideration of the bill at stages 1 and 2 and, in particular, to Karen Whitefield for her leadership, which ensured that that happened so successfully. I also thank my officials for their superb and continuing work on planning legislation. Finally, my deputy Johann Lamont, who is the best deputy that anyone could ever wish to have, has made an outstanding contribution to the bill's passage.

The year 2006 has been a watershed year for planning in Scotland. This year, all the consultation, engagement, policy development and debate have culminated in a parliamentary process that has laid the foundation for years to come. As I have said before, the planning system in Scotland is undergoing its most fundamental and comprehensive modernisation since its creation in the immediate post-war period.

I have been struck by the consensus on the bill's core provisions. Of course, legislation of this size, importance and complexity will raise controversial issues, but much of what we have proposed has been welcomed across the board. Few people, if any, have dissented from the introduction of a statutory national planning framework; the revitalisation of development plans that embrace the ambitions of sustainable development; the creation of a hierarchy in planning to allow more proportionate processes; a tighter approach to appeals; a raft of measures that will ensure that planning decisions take local people's interests fully into account; and an enhanced enforcement regime.

Yes—there have been debates about the detail and some of the substance, and some interests feel that more could be added to the bill but, in general, all parties recognise that a great deal of the bill has got it right. I believe that it is a well-

balanced package that contains measures that will promote efficiency and inclusion. It represents a bold and challenging programme of modernisation that will put planning back at the heart of Scotland's growth and development.

We need to remember three key messages as we reach the end of the legislative process. First, the purpose of the planning reforms is to improve the quality of outcomes. The best processes in the world are worthless unless they are used in a way that delivers what we really need: good-quality and well-serviced affordable housing; sustainable businesses that provide jobs and economic growth; and the infrastructure that is required to deal with our waste as cleanly as possible and to provide safe, efficient and sustainable modes of transport. Our modernisation measures should help to unlock planning's potential.

The national planning framework is a key element in the reform package of the planning system. I am strongly committed to ensuring that all interested parties are fully engaged and involved in the preparation of the second national planning framework and that participation arrangements are inclusive, open and transparent. Before that process begins, I will publish a participation statement that will set out when and how it will take place and the steps that will be taken to ensure that the public are fully involved. I expect that formal consultation on the scope and content of the second national planning framework will begin early in 2007 and that the consultative draft will follow in the autumn.

A crucial feature of the bill is that it will place on planning authorities a duty to exercise any development planning function with the objective of contributing to sustainable development. A similar duty will be placed on Scottish ministers in their preparation of the national planning framework. Scottish ministers may issue guidance on that to planning authorities. The preparatory work that has begun on the statutory guidance for sustainable development is focusing on an analysis of existing published material. We intend to consult on the draft early in the new year.

The second key message that I want to emphasise is that one of the most important lessons of the past few years has been that proposals are always improved when there has been extensive engagement with and consultation of everyone who has an interest in them. The Communities Committee commended the Executive for the range and extent of its engagement with all stakeholders as the modernisation proposals were developed. It has been hard work, but the broad consensus behind much of the package reflects the value of that engagement. A central feature of our vision for the modernised planning system is that early

engagement and discussion—not least on development planning—are the keys to success.

The reinforcement of the central role of development plans in guiding and shaping the development of our towns and cities and in ensuring that local people and other stakeholders have a wide range of opportunities to influence change in their communities is crucial to the success of the reform agenda. Plans must be up to date and communities must be able to engage at an early stage in the process if we are to create a successful Scotland that will grow and develop in the right places at the right time.

My final message is the inevitable comment that the passage of the bill is just the beginning—it will take a great deal of effort to turn the bill's ambitions into reality. As with all modernisation that is initiated by primary legislation, many of the fundamental measures—if they are approved by Parliament—will take time to come into force. An intense programme of modernising and updating regulations, circulars, statutory guidance, Scottish planning policies and planning advice notes will need to take place. Some of the groundwork for that has begun, but further consultation of and debate with stakeholders is essential in ensuring that the detail is practical and effective and in enabling key areas of planning modernisation to be implemented as soon as is practical.

However, the modernisation of the planning system goes much wider than just the changes that are being made through the bill. The bill's enactment should herald a change not just in processes, but in attitudes, behaviours and practices.

The Deputy Presiding Officer: One minute.

Malcolm Chisholm: The new planning system can and must be a positive tool that will add value to the communities in which we live and work by enabling the right developments to be built in the right places and by protecting what is special.

Christine May (Central Fife) (Lab): Will the minister take an intervention?

Malcolm Chisholm: I am in my final minute, so I cannot.

Planning's potential needs to be unlocked by all the organisations and individuals who operate and interact with the system. That means that applicants must demonstrate genuine willingness to consult, to understand the impacts of their developments and to comply with the decisions and conditions that are applied to them. Planning authorities must accept that planning is not just about control, but is the vehicle for driving forward their area's growth, prosperity and well-being. Communities must recognise that planning requires that hard choices be made and that early

engagement will maximise their chances of influencing outcomes. There are many other agencies that must take on the challenge of contributing positively to planning.

The Executive has a key role to play in setting an example in its casework, giving a lead in its policy statements and promoting improvement through assessment and support. The challenge extends across institutional boundaries and requires the commitment of the Executive, planning authorities, communities, developers, business and the public. We should not be daunted by the task that lies ahead; instead, we should celebrate the success of the process so far and treat it as the platform for achieving the ultimate aim, which is to make planning a proactive force for positive and sustainable change.

I move,

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

16:19

Christine Grahame (South of Scotland) (SNP): First, I intimate to members the absence of Sandra White, who was told of a sudden family bereavement during the course of proceedings. She would have liked to be here for the debate. Regardless of whether members agreed with her work on a third-party right of appeal, I am sure that they will acknowledge the huge amount of effort that she put into it.

It has been a long and weary trek through a difficult bill that does not stand alone, but will amend the Town and Country Planning (Scotland) Act 1997. I say that for the benefit of members who have not been paying attention. I share John Home Robertson's sentiment that that is not an appropriate procedure for dealing with major legislation. That is our first concern, but it is not the only one.

I have expressed concerns previously about substantial amendments being lodged at stage 2 when the practice, although it is not mandatory, has been that evidence is not led on stage 2 amendments. The use of such a procedure, by whichever party may be in government, could very well lead to flawed legislation. For example, the issue of national scenic areas was thrown into the pot at stage 2. For the moment, blame for that is to be laid at the Government's door, but I fear that such practice may lead to Parliament being brought into disrepute. With no revising chamber, and helter-skelter timetables for evidence, committee scrutiny can become very superficial. I do not blame committee members for that—ministers must take cognisance of the fact that they should not be in the business of earning

brownie points for racking up the greatest number of bills. What happened to the mantra "doing less better"?

That said, the Scottish National Party supports the Planning etc (Scotland) Bill, notwithstanding the amendment in my name. I regret that such an amendment is the only competent process for dealing with a purpose of the bill. The minister has pledged that the bill will herald a new culture of openness, inclusivity, accountability and of playing by fair rules in a more consensual and less confrontational planning system. I hope that that is the case, but the jury is still out, given that amendments that would have ensured that the national planning framework—which will deal with major issues such as nuclear power stations and nuclear waste—would be scrutinised by Parliament were not agreed to.

In addition, amendments to provide for a limited third-party right of appeal, and even to provide a non-third-party right of appeal, were rejected even by those, such as Labour members, who claim to stand up for ordinary Scots. They were also rejected by the Lib Dems, for whom such a right is a matter of policy; but heigh-ho—they are willing to pay that price for a Mondeo or two. However, I warn the Lib Dems that, since the Dunfermline West by-election, Labour has woken up and is spilling the beans.

On high hedges, the definition in amendment 147 in my name referred to such hedges being "a barrier to light". That brings to mind the fact that Scott Barrie has introduced yet another proposal on his unfulfilled promise on high hedges. This Lib-Lab Government pledged to deal with the issue seven years ago. The Government's consultation received 1,300 responses, all of which came from people who wanted action, but the ministerial team—with all the statute-drafting expertise at its disposal—was unable to come up with one provision. Ministers think, however, that Scott Barrie will be able to do so. Of course, he will not. He would be better taking refuge behind one of those ubiquitous ever-higher hedges. As for the Tories, their failure to support my far superior amendment was just plain mean-spiritedness. Mr Petrie shot himself in the foot. He will need to be tougher with the doughty Bill Aitken next time and ensure that he knows how to play the parliamentary game.

On business improvement districts, I say "Well done" to Fergus Ewing and "Not bad" to David McLetchie. Small businesses that are already burdened with heavy-duty rates and water bills are to have another Labour stealth tax heaped upon them. Small businesses in our small towns and villages are already struggling against supermarket sweep. They already club together voluntarily to enhance their districts, so the

Government should leave them alone—that is the view of the Federation of Small Businesses Scotland. In any event, I have news for small businesses: next year, they will be set to benefit from the SNP's commercial rates policy, under which all businesses that have a rateable value of £8,000 and under will pay nothing and many others will be better off.

At the end of this long and weary trek, what has been demonstrated to me is that we have to deal with too many bills and those that require more time, such as the bill that is before us, are frogmarched to the finishing tape. Because this Labour-Liberal Government needs to be seen to be doing something, it has introduced bill after bill and thus elevated legislation to the highest form of spin.

Finally, I say to Johann Lamont that I will miss her dearly. I do not always agree with her, but I admire her feisty enthusiasm, which never seems to evaporate.

I move amendment S2M-4921.1, to insert at end:

"but, in so doing, expresses regret at the inclusion of Part 9 on business improvement districts as it represents an additional onerous burden both financially and bureaucratically on already overburdened small businesses."

16:24

Dave Petrie (Highlands and Islands) (Con):

Listening to the Queen's speech yesterday, I was pleased to hear that a planning bill will be included in the forthcoming session at Westminster. It is good to see that, where Holyrood leads, Westminster follows. I am sure that Westminster will know where to come for expert and up-to-date advice on such legislation.

For many years, our party has called for improvements to the planning system because the current system holds up enterprise and often works against the individual applicant. Therefore, I was delighted to hear of the Executive's intention finally to introduce a bill to address those issues and I am pleased broadly to support the principles of the Planning etc (Scotland) Bill.

Among the several issues that have undoubtedly received more attention, the first in everyone's mind is the proposal for a third-party right of appeal. Because the bill is designed to speed up the system, streamline it and make it easier to navigate, a back-end TPRA provision would go against its principles. However, I support strongly the right of communities and individuals to have their voices heard and to influence planning decisions in their areas. I am therefore pleased that such a right has been included at the front end of the process. Improved consultation and

greater emphasis on community involvement will improve the experience for all.

Although I appreciate Jackie Baillie's intentions to please both sides with her amendment 123, it would have created an extra period of up to seven weeks in the process, which would have run the risk of allowing rogue organisations to undermine the process. Businesses that provide jobs and opportunities in our communities cannot be left waiting for that long. For that reason, my party remains strongly in favour of community interaction and consultation, but is opposed to TPRA. I am glad that the bill reflects our thoughts. However, the business improvement district fiasco will do nothing to engage businesses.

With environmental concerns currently on most people minds, the bill presents a great opportunity to improve the implementation of microrenewable energy technologies. Although we are encouraging individuals away from carbon fuels and toward green energy, microrenewables developments at present require the same level of planning permission as any other development. The bureaucracy, cost and paperwork undoubtedly turn a vast number of people away from using the new technologies. I therefore urge the Scottish Executive to include those technologies when it reviews the classification for permitted development rights. I also seek an assurance that recreational and play space will be protected under regulations.

The updating of local plans every five years will inevitably go some way toward creating a more flexible system. However, I am concerned about local authorities' capacity to carry it out. I am reminded of a previous debate in which we discussed the worthy introduction of free personal care for the elderly but attacked the Executive's ability to provide enough finances for the initiative. I would appreciate the minister's clarification on the issue and its being ensured that any increase in local authorities' burden as a consequence of the bill will be fully accounted for so that they will not be left struggling to find money. Understandably, I was deeply disappointed that my proposals for legislation on high hedges were not accepted, which seems to be another demonstration of the Executive being unprepared to follow up its seven-year-old commitment to legislate on the issue.

The bill has some good aspects: I am pleased that it will provide a more structured and streamlined process, that there will be tighter consultation and that enterprise will be able to operate more effectively, which can only improve our economy. Public health and sustainable development issues must also be afforded priority. I emphasise the undeniable fact that legislation is only as good as the procedures for policing it. The

issues that were raised in many of today's amendments are already covered by existing statutes, that are not being implemented satisfactorily.

Despite some serious differences of opinion, we have produced a good bill that will, I hope, fulfil the economic aspirations of all parties and eliminate the obvious shortcomings of the current system, which has blighted planning for too long. I thank my Communities Committee colleagues for the positive and healthy debate during the process. I wish Johann Lamont every success in her new role, in which I hope high hedges will be given the priority they deserve. I support the bill.

16:28

Euan Robson (Roxburgh and Berwickshire) (LD): I welcome our coming to the end of long and exhaustive consideration of the bill. I extend my party's condolences to Sandra White, who has suffered a bereavement, and to my colleague Iain Smith, who has also suffered a bereavement this week.

I thank the many witnesses who came to the Communities Committee, all the people who participated in the forums, the clerks to the committee for their tremendous efforts, the officials from the Scottish Executive, the Deputy Minister for Communities and, last but by no means least, the convener of the committee, apart from anything else for steering us through all of Donald Gorrie's amendments.

The content of the bill is right and will bring about a sea change in the practice of planning and the public's perception of it. I agree with the minister that there is consensus on the core provisions in the bill. The new planning hierarchy has been welcomed in many quarters and it is right and proper to put the national planning framework on a statutory footing. I believe that the framework will undergo comprehensive and effective parliamentary scrutiny—I cannot imagine that that will not happen. In that vein, particularly close scrutiny will be required of the statutory instruments, regulations and guidance that will be made under the bill, to which the minister referred.

I do not envy the Communities Committee or its successor committee the task of scrutinising the considerable amount of secondary legislation that it will need to examine, although I can confirm that that is not why I left the committee. In particular, the committee will look for recognition of concerns about the need for appropriate flexibility on the boundaries of strategic development authorities, in line with what was said at stages 2 and 3. It will also consider carefully the notification requirements for local authority interest cases and

developments or planning applications that are beyond the agreed development plan.

It is essential that the integrity of development plans be preserved. If it is not, the community involvement ethos will mean little. It is important to get into a cycle of five-year reviews with midway scrutiny. We have done a lot to clear away the clutter of small applications. Delegated powers such as those that have existed for a number of years in Scottish Borders Council and other councils should allow time for major issues to be considered and for development planning. However, many planning departments are overwhelmed with applications or, at least, challenged by their number, which is a result, I presume, of the Scottish economy's strength. Therefore, the Executive needs to address the resourcing of local authority planning departments and the training of adequate numbers of planners.

I, too, regret that it was not possible to include provisions on high hedges in the bill, but it is probably the wrong place for that. As I did at stage 2, I urge progress on that matter, because it affects a number of my constituents and people in other parts of Scotland.

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

Euan Robson: I am just finishing, Presiding Officer.

Susan Deacon and Sarah Boyack mentioned post-legislative scrutiny. I agree that the bill is particularly apt for such scrutiny.

I welcome the passage of the bill, which will modernise attitudes, behaviour and practices in planning.

16:32

Karen Whitefield (Airdrie and Shotts) (Lab): Members may not be surprised to learn that, for a number of reasons, I am delighted that we are about to pass the Planning etc (Scotland) Bill. Its passage has been a long and sometimes arduous experience, but it has been worth the effort.

The Communities Committee went to great lengths to ensure that there was extensive consultation of all sections of Scottish society on the measures in the bill. That is particularly important because of the massive impact that planning law and regulations have on all aspects of Scottish life. The events that were held in the debating chamber allowed community groups to express their views on the bill and to share with committee members their experiences of current planning legislation. I am sure that the experience that was gained during that consultation exercise can be used in the passage of future legislation.

I do not have time to go into the detail of the bill. However, I am pleased that the Executive engaged positively with the committee and responded to some of the concerns that we expressed during stages 1 and 2. In particular, the front loading of the process, which is designed to ensure that communities are engaged with throughout the planning process—most importantly, from the start—will deliver better planning decisions. I also welcome the inclusion of the duty on ministers to ensure that sustainability is taken into account during drafting of the national planning framework. Such duties are now woven into the entire local and national planning process.

I certainly welcome the additional measures that have been introduced to ensure stronger enforcement of planning obligations on developers who fail to meet their obligations. Those enforcement powers, coupled with fixed-penalty notices and good neighbour agreements, will provide an extensive range of tools that local authorities can use to deal with developers who, in the past, have ridden roughshod over communities. They will no longer be allowed to do that.

I take this opportunity to thank the committee's clerks. Steve Farrell and his team organised an excellent pre-legislative consultation process for the benefit of all committee members. They also spent many hours processing hundreds of stage 2 and stage 3 amendments. They were ably assisted by the legislation team, who provided much needed advice and expertise.

I thank the witnesses who came before the Communities Committee and gave us written and oral evidence. I thank all the people who helped to ensure that committee members had a complete picture of planning and of the impact of planning legislation in Scotland.

Finally, I thank the members of my committee. They were faced with a daunting challenge in scrutinising the Planning etc (Scotland) Bill. I believe that they met that challenge and that we can say, despite the fact that there was not always agreement, that all elements of the bill received a fair hearing.

I will welcome the passing of the Planning etc (Scotland) Bill today, although I am disappointed that the Greens intend to reject it. I respect their views on TPRA and the national planning framework, but when we can all agree that the planning system in Scotland needs to be modernised to protect some of our poorest communities, it is disappointing that the Greens will not be giving their support. Everyone in Parliament agrees that we need to modernise our planning system. I believe that the Planning etc (Scotland) Bill will deliver real and positive changes for all those who come into contact with

the system, from individuals to communities and from planning authorities to developers. I look forward to implementation of the measures in the bill.

16:36

Patrick Harvie (Glasgow) (Green): How to sum up and end such a long and thorough process in three minutes? I will do so first by thanking all my colleagues on the Communities Committee, all the MSPs who are not on the committee but who got involved in the process, and the clerks and other officials. I echo Christine Grahame in recognising the passion with which Johann Lamont has expressed her position throughout the process in her capacity as Deputy Minister for Communities. I wish her well—although perhaps not too well—in her new ministerial role.

I express my thanks and admiration to the many campaigners throughout Scotland who have long called for a fundamentally fairer system, but I express my regret that that is not what we are to have. I would like to knock on the head the notion that to give people greater rights and power within the system would somehow be an inhibitor to public involvement. I want to see the public involvement that the Executive says it is committed to. We would achieve that by giving people a system that they perceive to be fair because it treats them fairly, by giving them some power and by giving them some rights. That way, they would have a reason to get involved in the system at an early stage. That is what we should be achieving.

Even without that, I might have been prepared to settle for the bill if the other challenges that we highlighted had been received with greater flexibility and concern by the Executive—for example, if there was to be proper scrutiny of the national planning framework, which I do not believe will happen, and if there had been stronger commitments on sustainable development, which might have been enough.

The Scottish Green Party will oppose the bill. We will do so fundamentally because, although we acknowledge that it will achieve one of the Executive's objectives—a more efficient system—we do not believe that it will achieve the other aim of introducing a fairer system.

I finish by agreeing with what Sarah Boyack said when speaking to the final group of amendments a few minutes ago. The Planning etc (Scotland) Bill is fundamentally important. Whether members agree with our position or do not give us the time of day, we all acknowledge the bill's importance. If the Communities Committee's successor committee in the next session has nothing but more new legislation to deal with—as we have had

during this session—with no opportunity, beyond a few short ones, to conduct our own inquiries, it will not be able to carry out a full and thorough post-legislative scrutiny of the eventual act. I think that all parties should commit to ensuring that that post-legislative scrutiny is carried out with every bit as much thoroughness, time and consideration as has been given to scrutiny of the Planning etc (Scotland) Bill.

16:39

Donald Gorrie (Central Scotland) (LD): I will start with two general points. I give credit to Margaret Curran for extending the time for considering the bill to longer than we have ever had, but it has clearly still not been long enough. We must face the fact that major bills need more time. We needed a third day to consider the bill at all properly. It is not appropriate to hear a constant barrage of comments from the chair to the effect that members have only two minutes and that they must hurry this and that. We must examine the timetables.

We must also examine a growing tendency: the bill has followed the pattern of many recent bills in that no non-ministerial amendments have been accepted. That is not in the spirit that many people supported in establishing Parliament, which was to be more consensual, to try to reach agreement and to co-operate. We must consider that, because the Executive does not have a monopoly on wisdom.

I will vote for the bill. I became interested in the subject and listened to many people who know much more about it than I do. I produced a pamphlet that mostly set out my interpretation of their views, which I converted into amendments, all of which were defeated. I may figure in “The Guinness Book of Records”, because I had 70 or 80 amendments defeated at stages 2 and 3.

An opportunity to be more radical has been lost. However, I give due credit: the ministers and their civil servants have produced a bill that will achieve a huge improvement on the status quo, so I will support it.

Finance does not figure in the bill, but unless finance is adequate, we will not achieve the improvements that we want. There must be training, including on-the-job training, and more planners must be recruited. Communities must have support in the form of teaching and advice so that they can participate. If it is done properly, consultation costs money, so we must have real commitment to it and we must encourage communities to be more positive and creative and not just to be negative and oppose proposals.

Above all, we must restore public confidence in the planning system. As I am sure many other

members have, I have received heartfelt pleas from people who have had really bad experiences of the planning system. Ministers must ensure that their well-intended provisions deliver improvements, which will mean that people gain the confidence in the planning system that they do not have at the moment.

16:42

Christine May (Central Fife) (Lab): I think that everyone agrees that the planning system needs to be changed. If they are perfectly honest, most people agree that what we have in the bill probably represents the best and most of the middle ground between the two widely diverging spheres of opinion that we have seen.

In the short time that I have, I will highlight one or two points. Confrontation and mistrust need to be reduced. The bill will go some way towards doing that, but it will depend very much on the attitudes of people who implement it locally and of communities, which must approach the system with an open mind. Capacity building and support for that learning process will be essential.

The bill is a strong package that has been shaped by the Communities Committee, some of whose meetings I attended. It strikes the required balance. As the minister said, it will help to preserve special places. I ask the minister to confirm in her summing-up that the review of national planning policy guideline 5 will not reduce the protection of historic places and archaeological sites.

The bill is good and has been welcomed by everybody, including business, the Scottish Trades Union Congress and the Convention of Scottish Local Authorities. I am more than happy to support it.

16:44

Mr David Davidson (North East Scotland) (Con): It has been a long run for the Communities Committee and for members in the chamber. I have some sympathy with Donald Gorrie’s views on the timings for major bills, how we allocate time for legislation in the round and how we use committees.

The Conservatives agree to the principle behind the bill, but one or two provisions require rectification. From the beginning, we believed that the review of planning had to be started with a blank sheet of paper and that things should not be bolted on to the existing system. People were right to talk about confidence building and simplicity. I welcome the minister’s approach to making the system clearer. Indeed, when I conducted seminars for community councils and other groups on the proposals at white paper stage, I found that

they were enthusiastic about the proposed simplifications. However, they still have difficulties with one or two areas, such as the definition of a community organisation in the legislation that governs community councils.

The front-loaded involvement of our communities in the process is essential. We have heard arguments relating to TPRA, but the Liberal Democrats, who have been saying in a campaign in north-east Scotland that TPRA is a matter of principle that they will not bow on, have been remarkably silent. It is strange that they seem to have bowed.

On the details of the bill, it was novel that a nationalist such as Christine Grahame should talk about a second chamber—a House of Lords for Scotland. I do not know whether the Scottish National Party wants to sell peerages to pay for the black hole in its budget. That said, she made good comments on the quality of legislation and how we can arrive at, be involved in and implement a national planning framework.

Obviously, the Conservatives agree that the seven years since Scott Barrie's member's bill did not come to pass—although apparently it is being reborn—has been a long time to wait for nothing.

I want to say something to Christine Grahame about business improvement districts. Businesses and communities have, of course, voluntarily come together to work in town-centre partnerships. It is disappointing that David McLetchie's excellent amendments relating to BIDs were not agreed to. I remind the minister—who passed over the issue rather lightly—that the Federation of Small Businesses is vehemently opposed to the BIDs proposals. An important issue to do with the transfer of benefit is involved. Why should a person have to pay for something in Inverness that is delivered free in Wick? I cannot fathom that. We will support Christine Grahame's amendment on that basis. If the measures in the bill cannot be sorted out, it would be far better to remove them completely.

We must involve businesses in our communities and consider business development, but we must also consider infrastructure requirements, particularly if we want to address how to deal with affordable housing and other welcome developments. There is little in the bill about such things, although opportunities existed to cover them.

Sarah Boyack is right: there must be good post-legislative scrutiny not only of the bill but of all legislation that the Parliament passes. I was disappointed that she did not press her amendment on that.

Dave Petrie mentioned policing the regulations, which is a vital part of the process. Planning

decisions throughout Scotland must be consistent. The current system has led to a lot of unrest and is confusing for everybody. If resources are to be made available, we must support organisations such as Planning Aid for Scotland that give support to communities, because those communities do not necessarily have the relevant expertise.

That said, we welcome the move to simplification, the new thinking and the new culture, and we hope that the regulations will be in the same spirit as the bill in that respect.

Finally, I look forward to seeing Johann Lamont at the Justice 2 Committee in the near future.

16:48

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

I thank the Communities Committee's clerks for their sterling work in the past months and all my Communities Committee colleagues for their work. This stage has been a long time coming, and I am thinking as I look at the clock that we are going to be free soon.

Everybody accepts that the current planning system is inadequate. Nobody is satisfied with it. Ministers believe that the Planning etc (Scotland) Bill will deal with those concerns. In that context, they have invested a lot of hope in pre-application consultation. The bill will go a long way to solving the current problems, but I regret that Sandra White's proposals on a very limited TPRA in specific circumstances have not been accepted.

Of course, legislation can do only so much. Changing the cultures of local authorities, developers and communities will be much harder than passing the bill, but it is required to make the legislation work. Furthermore, the shortage of qualified planners must be addressed urgently. The Executive must ensure that adequate resources are made available, or the legislation will not do what all members hope it will do.

Mr McLetchie and Fergus Ewing exposed the Executive's compulsory double tax on businesses. Ministers should have listened to the FSB on that issue.

I am not convinced that the position of Fife, which will be included within the overlapping boundaries of two strategic development plan areas, has been sufficiently addressed. I am still concerned that the wishes of Fife will be overruled by the needs of the larger partner authorities.

However, the bill has the potential to change the existing planning system for the better. Many of the organisations, businesses and individuals who gave evidence believe that it will do so, and the Scottish National Party will support the bill tonight, as we did at stage 1.

I will spend a few moments talking about the legislative process, as most members have already done. After almost two sessions of this Parliament, we are not getting it right. Unlike Westminster, we have only one opportunity to get legislation right. Stages 1 and 2 work adequately, but for a complex piece of legislation such as the bill, stage 3 leaves me profoundly dissatisfied.

I do not think that there is unwillingness to change, nor am I blaming the Executive. Rather, there is an inability to see how we can change. I have a couple of suggestions. We faced an avalanche of amendments at stage 3, some of which—Pauline McNeill's amendments on houses in multiple occupation, for example—had never been considered at stage 2 and on which no evidence had been led at stage 1. As it always does, the Executive lodged many stage 3 amendments, some of which were substantial. It would be helpful if we had a system whereby stage 3 amendments were accompanied by an explanatory paragraph from the member or minister. That might have gone some way to dealing with the briefings that we received on Pauline McNeill's HMO amendments.

The Presiding Officers also have a responsibility to be less flexible in what they accept as stage 3 amendments. For example, they should reject stage 3 amendments that could have been but were not lodged at stage 2. That would free up some time at stage 3 and force members to address issues earlier in the process, instead of looking at an issue two weeks before a stage 3 debate and then deciding to lodge an amendment, which I suspect is what is happening on some occasions.

We have a lot to do. We need to address those issues before next year.

Finally, I wish Johann Lamont well in her new role, although I warn her that it is only going to last until May.

16:52

The Deputy Minister for Communities (Johann Lamont): We shall see.

I thank the officials in the Development Department and, more broadly, officials in my private office, parliamentary officials, the committee clerks, all the groups who engaged in the process, MSPs—particularly the Communities Committee members, of course—my minister Malcolm Chisholm, and Karen Whitefield, who did a sterling job, as always, with the bill.

Christine Grahame described the process as being a long and weary trek, but for me it was a joyful journey of discovery as I established just how important the planning process is and how

interesting planners can be. We can make this day a sad one or a happy one. We can see how successful we have been in taking the bill through the process. For the first time in this Parliament, a consolidated version of the principal act was provided before stage 2 to enable people to understand the process better. There is also a commitment to provide a consolidated version of the principal act at the end of this process, along with an easy-to-read "what planning means to you" pamphlet, which is being written as I speak.

The package is balanced and it reflects engagement at every level over a long period of time. I assure members that it has not just taken one and a half days. In reality, nothing popped up at the last minute. All the issues, including the HMO issue, were discussed over that long period.

In the early stages, when the white paper was published and the bill was introduced, there was ridiculous scaremongering about power grabs and all the rest of it. Thankfully, that discussion stopped and everyone engaged when they realised that a critical discussion had to take place to move the bill forward.

I am disappointed that the Greens are not going to support the bill. To say that there is going to be community engagement but it is not really going to work is a counsel of despair. It means that the Greens are not even prepared to test the proposals—and they wonder why people are cynical at the end of the process. If people are told things are not going to work, we should not be surprised when they do not engage. It is important that we have a rational debate, in which it is recognised that the bill is neither a developers' charter nor a recipe for paralysis in our communities.

At stages 2 and 3 it was suggested that we are ministerial dupes mouthing the words of civil servants, unable to think for ourselves and taking the position that if Donald Gorrie's name is on an amendment we should simply oppose it. That is an insult to my integrity and to the intelligence of the Parliament, and it disregards the critical role of the Communities Committee in the bill process. There is real evidence of movement in the bill as it progressed from white paper to bill to stage 2 to stage 3.

I make a distinction for Donald Gorrie: it is not individual success that counts in determining whether this is a listening Executive, it is success across the board. Donald Gorrie and others might want to reflect on the self-fulfilling prophecy that if they persist in lodging and pressing amendments at stage 3 that were discussed and received no support at stage 2—and that receive no support at stage 3 either—there will not be enough time to discuss the substantial amendments that count.

It is important that we are all honest about our engagement with the process. We need honesty about the challenges. We hear about nimbys and cowboys. We do not accept that false characterisation of people in our communities, but the reality is that they exist. We must consider how planning can deliver what we all need but nobody wants, and how we can ensure that weaker communities do not suffer.

Environmental justice is critical. Equally, it is critical that the shared prosperity that flows from economic development comes with an understanding that local communities should be engaged at an early stage and an understanding of the critical role of local authorities in democratic legitimacy. Over the past two days, members have argued their position on the basis both that they trust local authorities and that they do not trust local authorities. They should confront that conflict in their position. We must be honest.

On the subject of honesty, the bold Jim Mather, speaking at the Scottish property convention on 17 May, said that he opposed third-party right of appeal. He assured the convention that the Scottish National Party would oppose its inclusion in the bill. That troubles me.

Jim Mather (Highlands and Islands) (SNP):
rose—

Johann Lamont: I will read the charge sheet first then let Jim Mather in. This is a serious charge. I suggest that Jim Mather has more faces than a town-hall clock. Was he tailoring his comments to his audience? Did he not know what his group's position would be or was he incapable of influencing his group's position? We do not know because, despite the significant position he holds as an SNP front bencher, he chose not to contribute at all to this important debate. He will not cover that up by referring to the amendment's opposition to business improvement districts.

Jim Mather: I trust that the member will recognise that we protect people when there is a breach of the local plan. Is she content to leave communities powerless when there is a breach of the local plan?

Johann Lamont: It is obvious that there are tensions in members' positions on the third-party right of appeal. Jim Mather was unable to explain his position in relation to what he said to people in the business community, who believed that he was opposed to the third-party right of appeal. He is hung by his own comments.

We understand the critical issue of resources. Planners, members and I have not spent all this time producing legislation not to will the means for its delivery. The system is more efficient, so we will test it. Will it make a difference or not? We had a productive meeting with COSLA this week, and

we know how critical it is that we give priority to understanding the real challenges of resourcing, to liberating planners from the grind so that they want to come into the profession and to having a system that delivers real change in our communities.

Christine May asked about planning guidance. I will write to her to provide more detail on that, but I assure her that archaeological sites have nothing to fear.

The culture change is a challenge, but we must all engage with it. I hope that, in supporting the bill, members will support the need to look at the planning system for what it can deliver and the need to ensure that everyone who is involved in it makes a difference so that the system works.

Minister and Junior Minister

The Presiding Officer (Mr George Reid): The next item of business is consideration of motions S2M-5158 and S2M-5159, in the name of the First Minister, on the appointment of a minister and junior minister.

17:00

The First Minister (Mr Jack McConnell): First, I record my personal thanks to Peter Peacock for the contribution that he has made to Government in Scotland. I am sure that everyone in the chamber will want to wish him a full recovery. *[Applause.]*

As Peter recuperates and gets back to full health, he can reflect on the many outstanding improvements in education in Scotland since devolution. There have been dramatic improvements in attainment in primary and secondary schools, and more young people go to university and college. There are more teachers in our classrooms, smaller class sizes and more schools of ambition. Peter can also be proud that Scottish schools are leading the way in the United Kingdom on enterprise education and the quality of school meals. Everyone in the chamber should be proud that the Organisation for Economic Co-operation and Development rates our 15-year-olds as among the best performing in the world. Only three countries have significantly higher attainment in maths, science and literacy.

Peter Peacock has, rightly, received almost universal praise this week for his work as Minister for Education and Young People, but I also put on record my appreciation for his work and achievements as a minister in finance, local government, public services, Europe and, of course, promoting Gaelic.

Although I am very sorry that Peter Peacock has had to stand down from the Cabinet, I am delighted that, in Hugh Henry, we have an outstanding deputy minister to promote to the post. Hugh has already served the Government well in both the Health Department and the Justice Department and he was instrumental in securing reforms to our court system and in tackling knife crime and antisocial behaviour. I know that he will wish to continue the Government's programme of improvement and investment in education and to enhance our school building programme. I am delighted to propose that the Parliament agrees that Hugh Henry be appointed as a minister. I understand that there are many teachers in his immediate and extended family who might keep a close eye on him in that position. I am sure that, given other aspects of Hugh's past, in addition to being a teacher, he will bring a disciplined

approach to the portfolio. He will know how to stop anybody selling newspapers outside the schools.

In proposing that Hugh Henry becomes Minister for Education and Young People, I also praise the work of Johann Lamont and, of course, Malcolm Chisholm on the Planning etc (Scotland) Bill, which the Parliament has discussed over the past day and a half. Having discussed the matter with Johann Lamont on Tuesday, I know how much she enjoyed the planning brief and how much of a wrench it is for her to move on from that, but I am sure that she will be an excellent Deputy Minister for Justice.

I also propose that the Parliament agrees that Des McNulty be appointed as a junior Scottish minister, specifically to the post of Deputy Minister for Communities. He has built up the role of the Finance Committee to make it one of the most important committees in our young Parliament. He has taken forward a number of inquiries that are of considerable relevance to his new role and his committee has produced significant reports that help us to understand, in particular, how our growing economy enables the pursuit of social justice and the end of poverty.

I commend the motions to the Parliament and hope that members will welcome and support the appointments.

I move,

That the Parliament agrees that Hugh Henry be appointed as a Minister.

That the Parliament agrees that Des McNulty be appointed as a junior Scottish Minister.

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:04

The Presiding Officer (Mr George Reid):
There are four questions to be put tonight.

The first question is, that amendment S2M-4921.1, in the name of Christine Grahame, which seeks to amend motion S2M-4921, in the name of Malcolm Chisholm, that the Parliament agrees that the Planning etc (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brownlee, Derek (South of Scotland) (Con)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Davidson, Mr David (North East Scotland) (Con)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
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)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (Con)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
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)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Frances (West of Scotland) (SSP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fox, Colin (Lothians) (SSP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
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)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Radcliffe, Nora (Gordon) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
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)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Wallace, Mr Jim (Orkney) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 42, Against 76, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S2M-4921, in the name of Malcolm Chisholm, that the Parliament agrees that the Planning etc (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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, Marilyn (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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)

Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 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

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

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 104, Against 13, Abstentions 1.

Motion agreed to.

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

The Presiding Officer: The third question is, that motion S2M-5158, in the name of the First Minister, on the appointment of a minister, be agreed to.

Motion agreed to.

That the Parliament agrees that Hugh Henry be appointed as a Minister.

The Presiding Officer: The fourth and final question is, that motion S2M-5159, in the name of the First Minister, on the appointment of a junior Scottish minister, be agreed to.

Motion agreed to.

That the Parliament agrees that Des McNulty be appointed as a junior Scottish Minister.

National Bed Assessment

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-4525, in the name of Jean Turner, on national bed assessment. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that NHS Greater Glasgow and Clyde now has responsibility for a population of approximately one million; considers, therefore, that an urgent assessment is required of all numbers of beds, including high dependency and intensive care beds and those set aside for barrier nursing, since availability of every type of bed is crucial to the best clinical decisions and nursing care, as well as to the smooth and easy flow of the patient journey from one area of a hospital to another as their medical condition changes for better or worse; recognises that not having appropriate beds of any kind, in any speciality at any one time, can mean that a patient may have to stay in intensive care longer than necessary and thus block a bed for a patient who should be transferred from a high-dependency bed or theatre to an intensive care unit bed; acknowledges that delays to admission from casualty, accident and emergency or trauma departments may also be due to a lack of all types of beds being available, thus resulting in the discharge of patients in the evening in order to free a bed for an emergency admission; recognises that important elective procedures and operations may have to be cancelled at short notice as a result of no appropriate bed being available because of a general bed shortage, and therefore, in light of an increasingly ageing population with more complex conditions and in anticipation of a further rise of medical admissions including all types of infections, in particular MRSA, winter and summer vomiting viruses which often close wards, considers that work should be done to address our present problems within such a large NHS board and as a result decrease waiting times and lists.

17:09

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I thank everybody who has managed to stay in the chamber for the debate. As I have found when trying to get here for debates, there can be great pressure on people's time. I am very sad that Sandra White, who was going to speak, has had to leave because of a family bereavement.

I thought about busing folk through to fill the public gallery tonight, because I thought that their presence would underline what I have to say on their behalf, but then I thought that that would not have been fair on a winter's evening.

There is a great deal of uncertainty among the staff of NHS Greater Glasgow and Clyde and among the people who are served in its catchment area. That is partly due to the changes intended by the acute services review and the anxieties created by NHS Greater Glasgow taking in NHS Argyll and Clyde, as well as the uncertainty around the future role of the Vale of Leven hospital. There is also uncertainty about what is happening

outwith NHS Greater Glasgow and Clyde. For example, the closure of the Monklands accident and emergency unit will have a massive impact on the Glasgow royal infirmary, as will the intended closure of in-patient beds at the Victoria infirmary and at Stobhill hospital.

I remind members that the Glasgow Western infirmary is to close completely and that the size of Gartnavel general hospital has still to be determined to cover in-patient beds for admissions from primary care and for critical care required by the new Beatson cancer hospital on that site. Yorkhill hospital is being transferred to the site of the Southern general hospital—

The Deputy Presiding Officer: Excuse me, Dr Turner. I am sorry, but I can hear members' conversation.

Dr Turner: The Southern general hospital, in Govan, will be the only accident and emergency/trauma and general hospital on the south side of Glasgow until Hairmyres hospital, beyond Newton Mearns, because there will be only out-patient and day surgery facilities at the Victoria infirmary. Patients who do not travel by blue-light 999 ambulance will make their way to the hospital of their choice by whichever transport is available to them—not necessarily to the hospital that the health board managers think that they should attend.

I was reminded by a member of accident and emergency staff that a minor injury is only a minor injury once it is diagnosed. Such injuries will be treated on all national health service sites. The see-and-treat model is being tried and is found to be helping with waiting times at accident and emergency and casualty departments. However, tonight I will speak about the importance of having enough in-patient beds.

Last September, the bed modelling assessment for the health board had to be completed before the final business case for the new Southern general hospital could be submitted. Despite asking Robert Calderwood for the result of that, at the north monitoring group in Glasgow, time after time we have received no answers. In the 21st century, we still have patients lying around for hours on trolleys. However expensive and comfortable they are, that is shameful. If we had enough beds, that would not happen.

Recently, one of my constituents spent 13 hours lying around on trolleys while being transferred between Stobhill hospital and Glasgow royal infirmary. A general practitioner friend was allowed to transfer her from Stobhill to Glasgow royal infirmary, but that did not make any difference to the length of time that it took for her to be treated. Why can we not get bed numbers right for those who are unfortunate enough to be sick? What

confidence can people have for the future if we cannot get it right now? Will we get it right in future? People are advised that we do not need beds because we have new technology and because the NHS works differently: more people are treated as day patients or in primary care in the community; therefore, we do not need so many beds.

GPs are encouraged to make great efforts to keep elderly people out of hospital and to prevent readmissions. To my knowledge, primary care has always tried to do just that, but more highly trained staff will be required to cope with the number of patients who are discharged early into the community as well as those who are not admitted to hospital.

Years ago, it would have been a disgrace for someone to come out of hospital with a bed sore, but that happens more frequently now. Such a sore is very painful for the patient, it is open to infection and it makes more work for the nurses.

We know that 98 per cent of all NHS work is in primary care. An out-patient department will deal with 85 to 90 per cent of the 2 per cent of patients who go to hospital. In-patient work makes up a very small proportion—10 to 15 per cent—of the work of NHS hospitals. Bedblocking happens when people are fit to leave hospital but there is no bed for them in the community. Intensive care beds are frequently blocked because there is no other bed in the hospital that can take the patient—not even a high-dependency bed. Patients cannot be admitted for elective procedures if there is no bed; nor can a free high-dependency bed or intensive care bed be lined up for them for post-operative care. That means that clinical decisions are compromised, and there may be serious delay in rescheduling theatres and beds for another day.

One of my constituents was caught up in that. She was to have a serious operation, but it was cancelled at very short notice because an emergency case took her bed. The psychological work-up to her operation and the preparation that she had done to have her job covered for the three months of her recovery period were shattered.

NHS staff are saddened by the fact that slack never seems to be factored into the system, despite research that indicates that infection rates rise if hospitals run at more than 82 per cent bed occupancy. The same is true if wards are short staffed and if patients are transferred around or between hospitals. Intensive care units work best at 75 per cent bed occupancy.

Some of our intensive treatment units—one at the Southern general and one at the Glasgow royal infirmary—are short of beds. By that I mean that they have the beds but not the staff to cover

them. Clinicians are worried about infection rates. If MRSA or one of the other common infections breaks out, there are not enough isolation beds or single rooms. I would like us to carry out low-risk surgery on high-risk patients and to add general and medical services, perhaps attached to intensive care beds and coronary care units, to the ambulatory care and diagnostic units at day hospitals. That would create more slack and relieve the strain on Glasgow royal infirmary, the Southern general and Gartnavel. I ask the minister to consider that suggestion.

Patients are sent home far too frequently from day surgery. The onus is then on the patient to find their way home. One of my constituents had to leave in a wheelchair. Instead of being able to go back to work, he had to get his son to help him out of the car and to the toilet that evening, because his wife was not well enough to do that. It is unfair for responsibility to be placed on the patient in that way.

I want the minister to realise that patients suffer because we do not have enough in-patient beds. That puts strain on hospitals and their staff, and has a knock-on effect on all areas of the NHS.

17:17

Bill Aitken (Glasgow) (Con): I am grateful to Dr Turner for raising this issue in the Parliament. She has made a lot of good points. One advantage that the Parliament has is that the debates that take place at 5 o'clock allow for a degree of input that is not normally possible in our other debates. In this case, a retired general practitioner has been able to speak from her experience, both current and former, of the problems that exist.

It is important for us to consider what the motion asks for. It does not ask for a lot more money to be spent or put up the barriers that usually arise in debates on the health service. To my mind, it is asking for something eminently sensible—namely, that there should be an assessment of available beds in NHS Greater Glasgow and Clyde, especially given the extension of the health board area.

Dr Turner mentioned the position of Glasgow acute services. On a number of occasions the chamber has heard me express serious concerns about the issue, because I fear that the provision that is being advanced as the solution to current problems is not the right way forward. I retain the view that, although the existing configuration does not need to be preserved in aspic, the reduction of acute services to, in effect, two and a bit units is problematic. That is the case especially south of the River Clyde, given the possible difficulties that people face in gaining access to the Southern general hospital at rush hour, with the Clyde

tunnel in perennial half-closure, or when there is a football match at Ibrox or Hampden.

There are more and more complaints about delays in admission to wards. Like Dr Turner, I dealt with such a case recently. It involved an elderly lady who was left lying on a trolley at the Western infirmary for an inordinate amount of time because no suitable bed was available, at a time when there was no particular pressure on beds. I wrote to the minister and the hospital authorities on the matter and have received the appropriate apology on behalf of the patient. A review of bed numbers, which would require very little financial input from the Executive, should be considered.

We must also recognise that, from time to time, there will be situations in which the health service and hospitals will not be able to cope. Dr Turner's motion quite rightly mentions the effects of MRSA infections and viruses, which can temporarily close wards, and that is a problem. There could also be major incidents that result in large numbers of casualties, and problems would arise in such circumstances. I am not suggesting for one moment that the health service has got to budget for extreme situations, because I know that that simply could not be done. However, in respect of everyday situations, we must consider bed numbers.

It might be that a review of beds would lead to some adjustment and allow beds to be spread more evenly, so that resources could be allocated in a more logical fashion than appears to be happening in several of our hospitals at the moment—and there might be no additional cost involved. As Dr Turner said, a review of bed numbers could be conducted as a matter of common sense, consistent with the usual reviews that should be done from time to time, but particularly in relation to the extension of the health board area.

17:21

Ms Rosemary Byrne (South of Scotland) (Sol): I thank Jean Turner for bringing the debate to the chamber today. It gives us a welcome opportunity to discuss a lot of health issues that affect communities throughout Scotland.

Jean Turner talked about lost beds. I have looked up some figures and found that 1,509 acute specialty beds in Scotland have been lost since 1998. Nearly one acute bed has been lost every week in the past year—a total of 47 beds. Greater Glasgow has lost 500 acute beds since 1998, and the Ayrshire and Arran area has lost 238 general beds in the same time, with 138 of them being lost in the past two years alone. There have been massive bed losses in ear, nose and throat, general surgery, gynaecology and urology.

The Scottish Executive is pushing centralisation to the five main centres in Scotland and it is downgrading other hospitals with accident and emergency services so that they will have no A and E services. There will therefore be more reliance on using paramedics and ambulances to get people to A and E facilities in centralised hospitals. A health official in Glasgow recently reassured people at a public meeting about their concerns about getting to A and E by saying that ambulances were mobile A and E units. Although we all acknowledge the fantastic work that paramedics do, we could be putting them under a tremendous amount of stress by expecting far too much from them—I suggest that we are probably doing just that.

Of the 15 A and E departments in Scotland, seven are under threat of closure: the Victoria infirmary, the Western infirmary and Stobhill hospital in Glasgow; Ayr hospital; Queen Margaret hospital in Dunfermline; Inverclyde royal hospital in Greenock; and Monklands hospital in Lanarkshire.

NHS Ayrshire and Arran is to shut down the A and E department at Ayr hospital, centralising all emergency services at Crosshouse hospital in Kilmarnock. Five community casualty units will be set up around Ayrshire to deal with minor injuries. A petition against the closure of the A and E unit at Ayr was signed by 55,000 people and more than 5,000 joined a march through the streets of Ayr against the closure. The health board said that the plans represented an investment of about £70 million over the next 10 years, but there was no listening to the community at all. The move will also see complex surgery provided at one specialist site, at Crosshouse hospital, with planned surgery at Ayr hospital.

The issue is patient safety. We hear doctors talking about the golden hour, which is a concept that was described graphically at some of the meetings that I attended in Ayrshire. People who have suffered a traumatic injury have an hour to get to hospital for treatment. If patients who have such injuries have to travel further to A and E, that could put lives at risk. Given Ayrshire's geography and the current use that is made of local A and E facilities, there is a need for two A and E departments, one at Ayr hospital and one at Crosshouse hospital. The geography dictates that the A and E facility at Ayr should be kept open, as there are huge distances to cover—that is a particularly important consideration when there may be a serious, life-threatening incident.

As with the large numbers of beds being lost, there is no slack in the system, as Jean Turner said. The consultation on the A and E facility at Ayr was flawed from the outset yet, according to Dr Bob Masterton of NHS Ayrshire and Arran, it

has been the most extensive consultation ever. Ayr A and E department is to close despite massive public opposition and despite the fact that the majority of consultants at Ayr hospital have said that closing the A and E department is not a good idea.

Switching to Crosshouse, which would be the only specialist casualty unit in Ayrshire, could add 30 minutes to some patients' journeys. That could put their lives in danger. Paramedics are not doctors. They cannot do anything in the case of stroke except get the person to hospital as quickly as possible. That is because a stroke can be caused either by a blood clot or by bleeding in the brain, so a scan must be done before treatment is given. If a stroke is caused by bleeding and the patient is given clot-busting drugs, that will kill them. The travel time to hospital is crucial to survival.

17:25

John Swinburne (Central Scotland) (SSCUP):

I thank Jean Turner for bringing the matter to the Parliament today. I will read out an e-mail that I recently received, because it is relevant to the debate. It states:

"Dear John, ...

I'm wondering how typical my 85 year old mother's experience has been of the non-provision of services.

About four years ago, she was referred by her GP to a clinic to see if she needed a hip replaced (she'd already had the other one done in the late 90s). She was turned down. We went through the same procedure every six months until (a) she was in considerable pain and (b) she was losing so much weight as a result that we thought she wouldn't survive—period, not just as the result of an operation. We eventually dug deep and went private; the surgeon at the Murrayfield thought twice about operating because of her body condition ... She left hospital with no support package in place which we had to find for ourselves.

She is now in the position where she needs a little extra support—dressing, bathing and that kind of thing. I approached Edinburgh Council Social Work Department some months ago; they took detailed notes and promised her an assessment but we've since heard nothing.

This week however, she had an accident and broke her wrist. I took her straight to the ERI A & E Department. They were very good but could not admit her for the night as there were no available beds"—

that is exactly what we are all talking about. The e-mail continues:

"We had to take her back to hospital for a major but non-invasive procedure early the following morning. Again, the doctor stressed there would be no support after the operation despite her being in plaster for the next six weeks. He said we'd have to get in touch with the Social Work Department ... Again, the Social Work Department said something along the lines of 'OK, she's slightly up the waiting list—but basically, why not choose a nursing agency out of Yellow Pages and check them against the

Care Commission!' ... in other words, you're on your own!

So I've been scrabbling about on the Internet trying to source something at short notice.

I can't help but wonder if this is typical of the Executive's much-vaunted 'free care for the elderly'?"

Those are not my words but the words of the sender of the e-mail.

I honestly believe that health should not be used as a party-political football. Consensus should always be the order of the day in relation to health. Therefore, I read the e-mail with a heavy heart, because I am proud of our health service. It is seldom in receipt of praise for a job well done but receives severe criticism on the rare occasions when that is not the case, such as the circumstances outlined above. Basically, there have been too many cutbacks in hospital beds. It is time to reduce the number of managers, statisticians and bean counters and invest in more doctors, nurses and hospital beds.

17:29

Fiona Hyslop (Lothians) (SNP): Obviously, Sandra White would have liked to be here to speak about NHS Greater Glasgow and Clyde, but I will address the wider issues that are identified in the debate's title, "National Bed Assessment", and pick up on some issues that have been raised in the debate.

John Swinburne is right to reflect that, although in Parliament we by and large deal with management processes in the health service at a strategic level, ultimately it is about individuals and people. That must colour our perceptions of and discussions on the health service.

When I was first elected to the Parliament in 1999, my first question at my first meeting with representatives of Lothian Health Board was, "What are you going to do about MRSA?" They replied that the design of the new royal infirmary would cut down MRSA figures. Unfortunately, recent figures show that the incidence of MRSA at the Edinburgh royal infirmary is high—at a time, interestingly, when St John's hospital has made great progress in reducing it.

If we are to tackle the issue of hospital bed assessments, we need to learn from elsewhere. I am interested in hearing the minister's reasons for not carrying out a national bed assessment in Scotland, given that such an assessment took place in England as a means of directing resources.

The changes to A and E services that members have already highlighted also have implications. For example, in the Lothians, emergency surgery and orthopaedic trauma services were moved from St John's hospital to Edinburgh royal

infirmary. Indeed, because of that decision, Edinburgh royal infirmary has to increase the capacity of its reception area by 40 per cent. Many requiring orthopaedic trauma treatment are elderly people who, for example, have broken bones. In the Lothians, they have to go to ERI for their initial treatment and either are sent home with a care package—which, in the case that John Swinburne highlighted, was obviously sadly lacking—or, if they need to remain in hospital for treatment, are sent back to St John's. I wonder whether elderly people should be shifted from pillar to post in that way.

We have rehearsed the arguments about those clinical arrangements, but I want to look at how the situation pans out across Scotland. I know that planning work has been undertaken on health board catchment areas and so on. However, with the closure of the A and E department at Monklands hospital, the ambulance services will have to make a judgment call whether to take people who live in the west of West Lothian to the ERI or to St John's. Of course, if people require emergency surgery or orthopaedic trauma treatment, they can no longer be taken to St John's. At the moment, my constituents are quite often taken to Monklands hospital but, if that A and E department is closed, where can they go? A hospital is planned for Larbert, but that in turn raises questions about the size of its catchment area. I also know that clinicians at St John's are concerned about the sustainability of some services if the hospital at Larbert begins to take some of the patients from West Lothian. As a result, bed assessments are important not only for individual treatments but for service sustainability.

Of course, hospitals tend not to keep people in for as long as they used to, but that practice has serious implications for patients who have had to travel great distances. Moreover, members have highlighted the impact of evening discharge on individuals and their families. It has become increasingly clear from my constituency case load that centralising services has led to patients being discharged at awkward times of the night. Of course, that is fine for patients whose families live in the immediate vicinity, but the situation can prove difficult for patients who live an hour away and have, for example, to negotiate the Edinburgh bypass.

I hope that we can reflect calmly and coolly on the reality on the ground. We know that the area is complex and that issues have become compounded but, unless we know what we are working with, we cannot make any judgments. The call for a national bed assessment, which the SNP supports, is probably the least that we can ask to take this matter forward.

17:33

Carolyn Leckie (Central Scotland) (SSP): I thank Jean Turner for securing this debate. As she knows, I have consistently supported the call for a national bed assessment. Indeed, the case of NHS Lanarkshire illustrates very well the need for an overall regional and national strategic view of the number of beds that we require. Rosemary Byrne referred to figures that I obtained a wee while ago from the Executive that show that, over a very short time, 20 per cent of beds were lost across Scotland and in NHS Lanarkshire with absolutely no national or regional consultation on such a fundamental shift in bed provision. It took place bit by bit without any public engagement or accountability.

Moreover, when we entered into the consultation on "A Picture of Health: A Framework for Health Service Provision in Lanarkshire", NHS Lanarkshire made it categorically clear at the outset that—even though it had carried out no work on bed modelling, workforce planning or cross-boundary flows—bed numbers would stay the same. The fact that it did so before consultations in the neighbouring health board areas had been completed and before plans had been implemented in those areas makes me highly sceptical about the science behind such commitments and about whether health boards are planning for the provision of need rather than cutting their coats according to their cloth—the resources that are available.

The issue of beds is not just about beds and the hospital estate; it is about the staff who go along with the beds and their skills mix. NHS Lanarkshire is either unable or unwilling to give figures on the number and skills mix of the staff whom they envisage being attached to the beds at Monklands hospital.

The motion involves so many issues that it is impossible to pick up on all of them. However, it is fair to say that communities throughout Scotland have no confidence whatever that the Executive or the health boards are planning future health care provision on any sound arithmetical, scientific or philosophical basis, or are taking into account the quality of care that will underpin that provision.

That brings me to my next point. Not long ago, Jean Turner and I both spoke at an NHS Consultants Association conference. The tendency to move towards subspecialisation is having a major impact on the availability of beds and on boards' ability to provide local health services, and it is distorting the patient journey. I speak from recent experience—Rosie Kane and I both have recent experience of the patient journey in the NHS.

The fact that patients often have a number of conditions that do not come in neat packages gives rise to a significant issue in some areas where there has been centralisation. It is difficult for a person who is ill with two conditions to get holistic care if treatment of one condition has been centralised in one hospital while treatment of the other has been centralised in another. That will be a huge issue for the health service in the future. An overall assessment of the balance between generalisation and subspecialisation needs to be carried out in a way that takes into account the patient and their holistic needs. Sometimes patients do not need superspecialists; sometimes they need generalists who are able to look after their whole health rather than specialists who constantly refer them somewhere else and have them buzzing about all over the city.

I have spoken about the skills mix, but I want to finish on a point about the hospital estate, in which I include public-private partnership and private finance initiative new-build hospitals. The hospital estate is not kitted with enough beds to isolate patients who have hospital-acquired infections, which means that barrier nursing has been made extremely difficult in our old estate and our new estate. There is no sense that the problem has been acknowledged or that planning is being done for enough beds to be provided so that patients can be isolated.

The Deputy Presiding Officer: You should be finishing now.

Carolyn Leckie: Our hospitals are not kitted out to cater for the needs of disabled patients; again, I have recent relevant experience of that. There is not enough investment in meeting the needs of disabled patients while they are in hospital. If there is anywhere in the world where the needs of disabled patients should be met, it is a hospital.

17:38

Eleanor Scott (Highlands and Islands) (Green): I congratulate Jean Turner on securing a debate on such an important subject. Although the motion refers to the situation in the NHS Greater Glasgow and Clyde area, we are talking about a national problem. Jean Turner spoke mostly about the medical, surgical and intensive care side of things, but the problem of a lack of available beds also occurs in mental health provision.

In the Highland NHS Board area, difficulties have been experienced in finding beds for people who have acute episodes of mental illness. A knock-on effect has been that the board has had trouble staffing the hospital that deals with mental illness because junior staff, when they have been asked to do extra hours as a result of the hospital being short staffed, have refused. They have

refused not because they do not like their jobs or because they are not dedicated professionals, but because they could not stand any more of the frustration of spending hours trying to find beds for patients. That is not a good use of professional time, as I know from my time as a junior casualty doctor. It is clear that the situation is much worse now and is affecting not just the acute medical and surgical sector, but the mental health sector.

Of course, some of the beds in the NHS in Scotland are where they are for historical reasons and if we were starting from scratch, we would not put them where they are now. Although those beds might not be best placed to meet the needs of the present population, if they are to be got rid of—it is probably right that some should be got rid of—the alternative must be in place before that is done.

The same principle applies to service redesign. I agree that services should be constantly redesigned, but we need to put in place the services that we are moving to before we remove the services that are currently in place. We cannot leave a gap. Too often, we see closure and promises instead of closure and alternatives. That is what worries a lot of people.

On bedblocking by elderly patients, which Jean Turner mentioned, we all have experience of that—I have professional and personal experience of it. Elderly relatives of mine have been admitted, quite rightly, to an acute medical ward after an acute episode, but have then stayed in that ward for a long time because of a lack of beds in the geriatric rehabilitation unit, to which they had to wait to be moved. Clearly, there are blockages in various parts of the system. It is not right that patients, who might be receiving good care, should continue in wards that are geared to meet not their needs but the needs of others, who are being denied that care because the bed is blocked. Bedblocking occurs within the NHS as well as between the NHS and the facilities in the community out to which people are moved.

I was attracted by the Kerr report's recommendation on community hospitals. Although that proposal was welcomed when the report was published, it does not seem to have been developed and followed up. I believe that more consideration should be given to having some kind of last stage in the rehabilitation process before the patient goes home. Once an elderly patient's acute problem has been sorted, and perhaps after the patient has had a spell in a dedicated rehabilitation unit, there would be many advantages to having a final stage of rehabilitation in the patient's community where the patient can be visited and can meet the people who will provide care and support.

One problem in the Highland NHS Board area that the minister is aware of—I feel able to

mention this because Jean Turner mentioned bedblocking—is that patients are sometimes discharged to a care home outwith their local area because no place in a local care home is available and there is great pressure not to block beds. That is inappropriate for elderly people because it is disorienting and distressing. It should not happen.

The Kerr report envisaged that much more care would be provided locally, but I am not sure that that is happening. We seem to be moving to closing facilities before the full development of alternatives, which takes time. I agree that we need to try to keep people out of hospitals by better managing chronic conditions and by caring better for our elderly population. That will stop some of the acute admissions, but it will not stop them all, so we still need the beds.

I very much agree with the points in Jean Turner's motion about the capacity of the NHS to respond to an emergency. An outbreak of avian flu or human flu might place greater demands on beds during the winter months, so we cannot run a health service that is working to capacity all the time: there needs to be some slack because demand fluctuates. My concern is that we have not thought things out properly by calculating what we might need and by at least having a contingency plan. For that reason, I very much support Jean Turner's call for a national bed assessment.

17:43

The Deputy Minister for Health and Community Care (Lewis Macdonald): I congratulate Jean Turner on securing the debate.

As has been said, Greater Glasgow and Clyde NHS Board faces some major health and health care challenges that need to be tackled. Health inequalities are greater in that board's area than in Scotland as a whole and they rival the challenges that exist anywhere in the United Kingdom. That is partly why the board has undertaken a substantial and ambitious service modernisation task, which has been begun but needs to be carried through. Along with its staff and partners—including the local authorities—NHS Greater Glasgow and Clyde is committed to tackling those challenges. It has our support in doing so through the acute services strategy that was agreed some time ago.

It might be useful to consider the issues of acute bed numbers and capacity planning not just in the context of Greater Glasgow and Clyde but in an all-Scotland context. As several members pointed out, there are parallels between what is happening in Glasgow and what is happening elsewhere in Scotland. Some of the fundamental points apply equally across the country.

Prime responsibility for planning hospital services, including acute bed numbers, rests with

NHS boards. As has been said, hospital beds are an important and expensive resource, but other resources are equally essential. Care also depends on appropriately skilled staff, modern diagnostic equipment, well-organised out-patient clinics, flexible and responsive primary care teams, trained mental health community teams and good-quality interventions that avoid the need for hospital admission in the first place. Every part of the health care system is linked to other parts and they are all essential in delivering patient care.

Planning bed numbers is not simply a matter of getting the volume right. Available beds must be in the right specialties and at the right level to meet clinical need. The number of intensive therapy unit beds in the NHS throughout Scotland has risen steadily, from 159 in 1999 to 177 this year. Those are the most expensive and highly specialised beds in the NHS. As has been mentioned, at the same time, the number of beds in surgical specialties has reduced, which reflects the fact that more and more patients are being treated as day cases. The rate of day-case surgery has risen from 57 per cent in 1997 to 66 per cent now, which is very nearly two cases in three. Our ambition, which is based on clinical advice, is for that figure to continue to rise and to reach 75 per cent, or three cases out of four, by the end of the decade.

I suspect that it will be scarcely believable for many members to hear that, in 1990—only 16 years ago—the average length of a hospital stay following cataract surgery was more than five days. Nowadays, most cataract patients are treated successfully and discharged on the day they go to hospital. The NHS now carries out more treatment in out-patient departments and GPs' surgeries, which avoids the need for admission to hospital at all.

Jean Turner's motion refers to the importance of waiting times. We agree with her about the importance of decreasing those times, but it is important to say that having fewer surgical beds does not mean less treatment and nor does it mean longer waits; it simply reflects the more modern and effective ways of delivering surgical treatment. As members will know, the figures show that, as surgical bed numbers have come down, waiting times have come down. For example, compared to 1997, 11 per cent more principal operations, 250 per cent more angioplasties, 104 per cent more knee-joint replacement operations and 58 per cent more cataract operations are now undertaken in the NHS. In the context of that significant rising level of surgical treatment, waiting times have come down to a point at which no patient with a guarantee now waits more than six months for treatment and the NHS is on target to deliver a maximum wait time of 18 weeks.

Jean Turner said that she would like the NHS in Glasgow and Clyde to keep acute bed numbers under review. I assure her that the board is doing that and will continue to do so throughout the enlarged area. That is essential if the board is to deliver its acute service strategy successfully. That strategy, which is for the modernisation of the way health care is delivered in Glasgow and Clyde, will result in a total investment of about £950 million in modern hospital facilities throughout the city and region by 2013. The investment will deliver a range of improved services for residents and patients in the area. Work on the new Beatson oncology centre—a project that involves £85 million of capital funding—is nearing completion and the centre will begin to admit patients early in the new year. There will be 170 in-patient beds at the new Beatson and 45 day-case beds, which will replace similar numbers of beds in existing oncology units.

Work has started on the new diagnostic and day-treatment hospital at the Victoria site and work will commence soon on the developments at the Stobhill site. Together, those projects, including equipment, involve an investment of about £200 million. The hospitals, which will open their doors to patients in spring 2009, will be able to treat more than 80 per cent of patients who are currently treated at the existing Stobhill and Victoria hospitals. However, they will do so with a lot fewer in-patient beds. Again, that has been decided on the basis of clinical need. There will be only 12 short-stay surgical beds at each of the new hospitals because day-case patients do not require acute hospital beds.

Dr Turner: Does the minister agree that 80 to 85 per cent of hospital treatment has always been out-patient treatment? Most hospital work is done in out-patient departments, and that will be no different at the new ACADs.

Lewis Macdonald: I agree that that has always been the aspiration. The difference is in the way in which health services are designed and delivered. Henceforth, far more patients will be successfully treated without needing to be admitted to hospital.

The demand for beds will also be reduced if we successfully implement the Kerr report's recommendation to stream and separate planned care and emergency care. That recommendation lies behind many of the changes that have been referred to in the debate. Separating those streams will allow clinical teams to concentrate their core skills, maximise productivity and significantly reduce the risk—to which Jean Turner referred—of planned surgical admissions having to be cancelled because of peaks in emergency demand.

We aspire to an NHS that is fit for the 21st century. We realise that, in many respects, it will

look different from the service that was created 60 years ago. One of those respects is that there will be fewer general acute beds but more support from intensive care.

The changes are all about how we deliver for patients and, to deliver for patients, the NHS must change and continue to change.

Meeting closed at 17:51.

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